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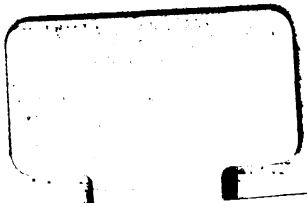

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Strictures

ON MR. HALE'S

REPLY TO THE PAMPHLETS

IN DEFENCE OF THE

LONDON

FEMALE PENITENTIARY.

Price 2s. 6d.

SLV
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*** The rapidity with which the following Strictures have been hurried through the press, must be pleaded by their Author as an apology for a *defective arrangement*, and for several *verbal inaccuracies* which will be found in them.

Printed by T. Rutt, Shacklewell.

Strictures

ON

MR. HALE'S REPLY

TO THE

PAMPHLETS LATELY PUBLISHED

IN DEFENCE OF THE

LONDON FEMALE PENITENTIARY.

BY G. HODSON.

TO WHICH IS ADDED,

A LETTER TO THE AUTHOR,

ON THE INADEQUACY OF THE POOR LAWS, FOR EMPLOYING, PROTECTING, AND RECLAIMING UNFORTUNATE FEMALES, DESTITUTE OF WORK——IN ANSWER TO Mr. HALE's REPLY.

BY Mr. BLAIR,

Surgeon of the Lock Hospital, &c.

London:

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STRICTURES, &c.

SIR,

THE very pointed manner in which you have noticed certain observations contained in my former Letter seems to call upon me for a vindication, but I should feel comparatively little disposition to consult my personal feelings, were I not still firmly persuaded of the fallacy of your reasoning as to the principle and tendency of the Institution in defence of which I have written. My surprise that men of superior sense and discernment should adopt your views is not at all abated, but I feel no objection to admit that both your pamphlets, but particularly the last, are adapted to produce a considerable impression upon persons of a different character. This effect I impute not to the strength of your arguments, but to the falsehood of your representations; not to the evidence of facts, but to the specious manner in which they are adduced—to the intrinsic justness of several of your positions, not to any connexion which they really have with the subject under discussion.

It appears to me probable also, that much of the weight which your books have had with the public, is to be ascribed to the stress which has been laid upon your "personal experience," and "practical observation"—and if these had relation to *pernicious effects actually produced by the Penitentiary* weight they certainly ought to have, but in no part of the evidence which you have brought forward am I able to discover a *single fact* which evinces, in the smallest degree, the "dangerous tendency" of that Institution.

It must be acknowledged, likewise, that you possess some important advantages, peculiar to yourself, as the *opponent* in this controversy. You crowd together a number of very serious and, I am compelled to add, very false charges; you give them a specious colouring; you blend with them the appearance of an ardent, and, I have no doubt, genuine, zeal for the cause of public morals—you repeat these charges so often, and so positively, that common readers are induced to think that there must be some truth in them; not because they are really convinced, but because they conceive that no man of character, who can say such strong things, so positively, so zealously, and so repeatedly, *can* be in the wrong. Now in order to invalidate some of these charges, it may be sufficient to oppose a simple denial, sustained by a correct contra-statement. But it is obvious that the error and futility

of others, although comprised in short, broad, positive assertions, must be exposed and repelled by reasonings, of which, from their very nature, the effect is less powerful upon general readers. And here I am willing to admit that, so far as the writer is concerned, much of the inefficacy of those reasonings may be imputable to the manner in which he has conducted them. There are, however, many men of great wisdom and deep reflection who are of opinion that the arguments which you term "sophistry" are incapable of refutation, and that you would have shewn more discretion had you abstained from calling them "sophistical" until you had proved them to be unsound. It is not a little extraordinary, that, although you repeatedly charge me with ignorance and absurdity, you have neither endeavoured to refute one of the numerous arguments by which I endeavoured to demonstrate the unsoundness of your principles, nor to shew that they were irrelevant to the subject under discussion. This, Sir, may be policy, but it is not victory.

Had you, Sir, attempted to refute what I have written, it would then have remained for me to have repelled your objections, or to have given up my opinions as untenable. You have, however, taken any easier course, and, by merely assuming the *Critic*, have thought it quite sufficient to dismiss my arguments by giving them an unfavourable character. I must also be permitted to remark, that,

notwithstanding you have spoken of me in terms of respect, you have nevertheless not abstained from expressions which appear calculated rather to irritate than to convince. I, however, feel no resentment against you on this account, nor any disposition to copy your example. I am desirous that the cause which I have espoused may be thoroughly investigated, and that it should stand on its own intrinsic merits, supported only by the scriptures, by indisputable facts, and by cool and dispassionate argument.

As to the charge, in which I am included, of writing like "a special pleader in defence of prostitutes,"* I reject it in a just spirit of indignation. I appeal, with confidence, to what I have written,† and affirm, that I have not given the least real ground for so dishonourable an imputation. I will not allow, Sir, that I, or any of those gentlemen with whom I have co-operated in defence of the Penitentiary, have less powerful convictions of the moral guilt, and destructive tendency of the crime under consideration than yourself—that we feel less abhorrence against it, or that we are less solicitous to promote a diminution of the evil. But surely, Sir, *a Defence of an Institution* for the reception of Penitents, may be expected to differ from *a Discourse upon the enormity of the vice* from which they are rescued!

* Vide your "Reply, &c." p. 65.

† Vide Remonstrant, pp. 34, 49, 57, 64, 73, &c.

You need not be informed that the present age has been remarkably distinguished by a spirit of innovation. Speculations, characterized not less by their boldness than by their novelty, have rapidly succeeded each other, and after amusing the world for a time, have gradually died away, leaving us in quiet possession of the good, old, well-tried principles of our forefathers. This spirit, however, it seems, is not yet finally laid, and it remained for you, Sir, to broach the singular paradox, that an *Institution* which rescues a number of our fellow-creatures from vicious courses, forms them to habits of useful industry, qualifies them for procuring their subsistence by honest labour, imbues their minds with religious instruction, acquaints them with the deep and awful malignity of sin, and touches their hearts with the most affecting motives to virtue and piety —I say, Sir, it remained for *you* to assert the singular and defamatory paradox, that an Institution, thus highly benevolent and useful, is "*a most fatal violation of the laws of God and man*"* ! ! !

The unprejudiced mind revolts at once with astonishment and disapprobation from a position so daring, I had almost said profane; and feels an instant persuasion that, whatever may be the sophisms which may render it plausible, no argument can prove it to be sound. But, Sir, the me-

* Vide your "Reply, &c." pp. 72, 73.

thod by which you have attempted to maintain your paradox is scarcely less extraordinary that the paradox itself. You affirm, but certainly do not prove, that a law under the *local, temporary,* and *peculiar* dispensation of Moses punished fornication with death. You assume, nevertheless, that this law, *the very existence of which is yet to be proved,* is of *universal obligation!* and then comes your minor proposition, and your inference. The Penitentiary attempts to *reform* those who have been guilty of this crime—*therefore,* the Penitentiary is chargeable with "a most fatal violation of the laws of God!!" This is the first branch of your argument. The laws of England inflict a slight punishment on prostitutes who are guilty of disorderly conduct, and flagrant violations of decency, but virtually acquit those who abandon their evil courses. The Female Penitentiary receives under its protection, without punishment, such as are thus virtually acquitted, therefore the Penitentiary is chargeable with "a most fatal violation of the laws of man"!! This is your argument for the second part of your proposition. Indeed, Sir, I cannot allow *you* even the merit of being "sophistical." Sophistry, at least, implies some degree of ingenuity. Here, however, is not even the semblance of argument. Were I inclined, Sir, to adopt *your* language, I should call such reasoning "romantic and absurd."*

* Vide your "Reply," p. 90.

In order to shew that the Penitentiary violates the word of God by attempting to restore returning prostitutes to society, without first subjecting them to civil punishment, you have thought proper to assert that the Mosaic law punished fornication with death; and because I have denied this, you charge me with the "guilt of propagating a gross error.*" If, however, Sir, I have erred upon this point I have erred in the society of men whose shoes latchet I am not worthy to have unloosed. I might here proceed to state, the grounds upon which I have been induced to adopt this opinion; but as I may reasonably presume that the public will not be much disposed to bow either to your opinion or mine upon a matter of biblical criticism, I shall content myself with appealing to these high authorities to determine the point in question. I hope, Sir, I may venture thus to express myself, without offence, notwithtanding your writings have obtained for you the credit of being "*a respectable Clergyman of the church of England!*"†

The passage upon which you found your opinion ‡ occurs in the 22d chapter of Deuteronomy,

* Vide your "Reply," p. 100 & 105.

† Vide Medical Observer, vol. V. p. 251.

‡ With respect to the other passage upon which also you seem to place some dependence, viz. Deut. xxiii. 17. I refer you to the margin of your Bible, by which you will perceive that the original word differs from that in the text.

and is as follows: "They shall bring out the damsel to the door of her father's house, and the men of the city shall stone her with stones that she die, because she hath wrought folly in Israel, to play the whore in her father's house: so shalt thou put away evil from among you." Now, Sir, upon this passage it seems we are at issue. You assert that it refers to a woman who prostituted herself *before* her betrothment or espousals.* I, on the contrary, regard it as the punishment of a woman who had been guilty of fornication *after* she had been betrothed or espoused. I make my appeal first to the *Rev. Matthew Henry*.

"If the woman that was married *as a virgin* were *not* found so, she was to be stoned to death at her Father's door. If the uncleanness was committed *before* she *was betrothed*, it would *not have been punished as a capital crime;* but she must die for the abuse she put upon him whom she married, being conscious to herself of her being defiled, while she made him believe her to be a chaste and modest woman."

Vide MATT. HENRY'S Exposition, *in loco.*

I appeal, secondly, to the celebrated *Poole*.

"*Qu.* Why should she die when her crime was only fornication, which was *not punished in a woman with death.*" See Exod. xxii. 17.

* Vide your "Reply, &c." p. 103.

"*Ans.* Because there was not only fornication in this case as in Exod. xxii. but this was accompanied with deep dissimulation and injury to her husband, in the *false profession of virginity.*"

POOLE'S Annotations, *in loc.*

I appeal, thirdly, to the learned *Bishop Patrick.*

"This was the punishment of such *Adulteresses*, except only of a priest's daughter, who, if she was guilty of this crime, was burnt alive Lev. xxi. 9; and it *plainly* shews he [Moses] speaks here of a woman *corrupted between the time of her espousals, and her husband's compleating the marriage; otherwise* he could *not have had this capital action against her, none being put to death for simple fornication.* And this *Maimonides** saith in his *Seder Zeraim*, that *from Moses to his time it was never doubted the woman he here speaks of, was one that proved false to her husband after she was contracted to him.*"

Vide BISHOP PATRICK'S Commentary upon the Historical Books of the Old Testament, *in loco.*

I think, Sir, after you have read the above quotations, it will become you to assert your opinion upon this point with a little more diffidence; and to acknowledge that these dangerous anti-evangelical "weapons" were presented to the *Barrister*, by the

* This most learned of the Jewish commentators flourished in the twelfth century after Christ.

most eminent Divines, (whose "infatuation" as well as mine no doubt you will "lament,") long before the "*Layman*" had written his book.*! No doubt, Sir, you will be much more "astonished at the great ignorance which has been manifested" by these learned writers, than you have been at mine, who, in giving the above interpretations, certainly never conceived that they were sanctioning, by their eminent names, "a sentiment" than which you say one "more false and dangerous to the morals of society, was never propagated;"† and no doubt, Sir, were they to rise again and read *your commentary*, they would "be ashamed and confounded that ever they had sent into the world such assertions:" assertions which, according to your mode of reasoning, *prove* that they "attempted to make it think lighter of the awful crime of whoredom!"‡

I might here be allowed to let this subject rest. But, Sir, I ask, provided you were able, contrary to the opinions of these able commentators, to prove that the mosaic law actually *did* inflict the punishment of death upon such females as were guilty of fornication, what then? Do you suppose that would prove any thing against the Penitentiary? Is it not evidently incumbent upon you, also, to shew that, at

* Vide your "Reply, &c." p. 104.

† Vide Ibid. p. 100.

‡ Vide Ibid, pp. 102. & 105.

least, all christian states are under a religious obligation to adopt the principles of the mosaic code, as the basis of their criminal laws? Indeed, it is wholly unaccountable that, holding as you appear to do such an opinion, you should in no one instance charge the legislators of our own, and other christian states, with the guilt and evil of so gross a departure from what you represent to be an unchangeable law of God; "a law which (you say,) from its very nature" is "of *perpetual* and *universal* obligation," and that, "in one of the *greatest* of *all* concerns to Society."*

It is equally surprising, also, that you should so quietly acquiesce in the commutation of a capital punishment for that which *you require* to be inflicted upon prostitutes, as a qualification for their admission into the Penitentiary. Why, Sir, a month's solitary imprisonment! in comparison with death, can scarcely be regarded as any punishment at all! But no doubt it occurred to you, that to punish a prostitute with death, would not comport with the prospect which you hold out of a Penitentiary, "*ultimately* being conducive to her real good!"†

I think then it evidently appears, Sir, that your appeal to the mosaic law is entirely nugatory. The interpretation which you have given is contra-

* Vide your "Reply" p. 107.

† Vide your "Address, &c." pp. 29, 30.

dicted by the most eminent and most ancient commentators, and against these powerful authorities it still remains for you to prove, that the criminal law of the Jews punished simple fornication, on the part of the woman, with death. Were you to succeed in this attempt, it would still be incumbent upon you to shew that the criminal law of Moses is *of universal obligation*, with regard to *all crimes committed against society*; and after all, it is absolutely necessary that the mosaic law, according to your interpretation of it, should be incorporated into our criminal code, and that, subsequently, the Penitentiary should screen from punishment the proper objects of that law, before you can, with the least degree of justice or plausibility, charge that Institution with the guilt of "*violating the laws of God.*" All this, I think, is so perfectly clear, that I deem it unnecessary to add a word more upon the subject.

If then the mosaic code affords you no argument against the Penitentiary, still less will you be able to justify your opposition to it by an appeal to the christian dispensation.

I have already attempted to shew that "the general spirit of the christian religion harmonizes in its gracious proposals to sinners, and in its precepts, with the *general* nature of that benevolence which distinguishes the Female Penitentiary, and that, so far as its examples regard the *particular* objects of

that benevolence, its aspect is unquestionably pacific, mild, and conciliating."* I still contend for the accuracy of these conclusions, and affirm that nothing which you have advanced in reply, at all affects the evidence on which they are founded. It is true, indeed, that the privations and sufferings, which attended the primitive profession of christianity, rendered the motives of that profession less liable to suspicion, and that, during even our Lord's own ministry, a public belief in him exposed his disciples to excommunication from the synagogue, and its consequent losses and disadvantages. But what, Sir, has this to do with the woman at the *Pharisee's* house? Had she been in circumstances to be affected by such considerations as these? Could such considerations excite any apprehensions in the mind of a notorious harlot? Were they in the least degree applicable to her? and if they had been, how do they affect the subject in dispute? It still remains a fact that our Lord, "instead of reproaching her with the enormities of her past life," much less calling for *the execution of what you deem the sentence of the mosaic law upon her*, treated her with marked condescension and kindness, "pointing her out even as an *example* of humility and penitence, and of peculiar love to himself as the Messiah." But you may reply, this woman had abandoned her sinful pursuits, and mani-

* Vide Remonstrant, p. 60.

fested signs of repentance. Well, such are the characters to whom the Penitentiary extends it arms. But you boldly deny this. Denial, however, is not proof. Nevertheless as we cannot see the heart, I will admit, for the sake of argument, that the Penitentiary treats with kindness females who do not *cordially* condemn and deplore their former evil habits; still it treats in that manner such only as it *believes* to be of this description. If then it were a fact, that in the greater number of instances the Penitentiary suffered imposition—common candour and benevolence would surely lament that it was liable to such deceptions, and that difficulties of such magnitude were thus opposed to the accomplishment of its intentions, instead of falsely ascribing to it a "design" at which it revolts with indignation.* But I will go still further, I will even admit that it may treat with lenity some females, whom there is *reason to fear* have not cordially abandoned their evil courses. What then? Had the woman who had been *just taken* in adultery abandoned *her* vices? and yet our Lord treated even her with tenderness. But you will answer that the "office" of our Lord "was not that of a civil Magistrate, and that it was not his province to pronounce any sentence upon her."† But, Sir, is there no medium between passing a judicial sentence

* Vide your "Reply," &c. p. 65.

† Vide your "Address," &c. p. 36

and a treatment marked by lenity and gentleness? Although he did not, as a magistrate, condemn her, might he not, as a reprover of sin, have rebuked her with severity? Again, what will you say to the Samaritan woman at Jacob's well? Do you mean to assert that *she* had abandoned her vices? On the contrary, was she not at that very time living in habitual fornication, and yet did not our Lord treat her with mildness and benevolence? Surely, surely, Sir, these examples were not intended to be without their use. Doubtless, among other purposes, our Lord intended to intimate hereby that the sins of our fellow creatures are not to prevent the exercise of our benevolence and compassion towards them. I perfectly agree with you that these examples cannot be legitimately adduced for the purpose of setting aside the punishments which human laws require to be inflicted upon public offenders. These are very distinct questions indeed, nor is it at all necessary that they should be combined in order to vindicate the Penitentiary from your aspersions. The mild temper, however, of christianity seems to suggest to the legislators of christian states, the duty of expunging from their criminal laws whatever is simply vindictive, or unnecessarily severe and rigorous, so far as consists with a due regard to the efficacy of example, and the interests of civil society.* I also,

* When I alluded to the mosaic laws as *severe and rigorous*, I deemed it unnecessary to say that I spoke of them relatively

cordially approve of the distinction which you point out between *personal* and *civil* offences in relation to the exercise of forgiveness; but this, as well as the former consideration, is totally inapplicable to the Penitentiary, and will remain so as long as that institution by receiving returning prostitutes does not violate the laws of the land, so long as it does not screen from punishment any whom those laws have made it obligatory upon every individual to deliver into the hands of public justice. In accomplishing its objects, the Penitentiary conducts itself towards returning prostitutes with tenderness and kindness, as our Lord did when upon earth towards females of a similar character, although their offences were not *personal* offences *against himself, as a subject of the Roman Government*, but the very crimes which you represent as the greatest *civil offences against the community!* As our Lord would not have attempted to obstruct the course of public justice in relation to any of those women towards whom he displayed kindnesss and compassion, so neither would the

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to the mild genius of the gospel, to the laws of christian states, and to the prevailing ideas of justice with respect to the punishment of particular crimes. Nothing can be further from my mind than any intention absolutely to characterize the mosaic code as *unjustly* rigorous and severe in relation to the jewish œconomy and people; convinced as I am, with you, that "*the work of Jehovah is perfect, and all his ways are judgment.*"

conductors of the Penitentiary, with regard to any females who may take shelter under its wings.

I hope, Sir, the preceding remarks, together with what I have formerly advanced upon this subject,* may be sufficient to convince you that there is nothing in the principle or tendency of the Female Penitentiary which can justly be deemed repugnant to the word of God. A more full investigation of this subject would, I am persuaded, render the extreme fallacy of your representations still more apparent; with a view however to brevity, I shall not, at present, proceed any further in this inquiry.

But, Sir, you not only represent the Penitentiary as guilty of "a fatal violation of the laws of God," but as chargeable, also, with a similar "violation of the laws of man!" The falshood of this latter imputation has, in part, appeared from the remarks which I have made already, but I shall now pay a more particular attention to it. In order to expose its fallacy, I had stated* not only that the Penitentiary did not by any of its proceedings "remove punishment from flagitious crimes,"† but even that fornication and prostitution were not *as such* punishable by the laws of England. I repeatedly laid an emphasis upon the words "*as such*" to shew that I was aware, that prostitutes might be punished under the *vagrant act*, though not for the crime of fornication, intimating likewise that, even so far as concerned

* Vide Remonstrant, 49—61. † Vide your "Address," &c. p. 19.

that act, the Penitentiary was not chargeable with a violation of the law, since it received such only as were virtually "discharged from punishment by the connivance of the civil authorities."* All I contended for, was that they were not punishable for fornication *as such*, and my design herein, was to shew the injustice, as well as futility, of charging upon the Penitentiary an omission, which was properly ascribable to the legislature. Nothing can be more evident, than that the apparent strength of your remarks, upon this point, is built upon the *moral turpitude* and *great social injury* of prostitution. But as the laws have not contemplated the crime in these views, that part of your argument which assumes that they have, at once falls to the ground. So long, therefore, as these laws remain as they are, it will be more creditable, I think, to your good sense as well as to your candour, to abstain from charging the Penitentiary, as you have repeatedly done, with the guilt of *violating them*. But, Sir, let us see in what way you prove me to be guilty of "propagating a dangerous error" in asserting that fornication and prostitution are not punishable *as such*. Is it by telling the public that the word "*prostitutes*" (you might have added *fornication* also) "does not occur in the statutes?" Surely not. Is it then by quoting a single sentence from the body of any one of them? No such thing—it is by trans-

* Vide Remonstrant, p. 33.

cribing the *title* of the Act of the 7th of *James* I. against *vagrants*, in which it happens that the words "*lewd* persons" occur! But, Sir, have you not read that act, and do you not know that there is not a syllable in it to your purpose? The word "lewd" is inserted in the title of the Act in reference to the following passage only—"Be it, therefore, enacted, that every lewd woman *which shall have any bastard which may be chargeable to the parish*,—the Justices of the peace shall commit such lewd woman to the house of correction, there to be punished and set on work, during the term of one whole year."*—Upon which Judge Blackstone observes "by the statute 7 Jac. I. ch. 4. a specific punishment (viz. commitment to the House of correction) is inflicted on the woman only. But the penalty *can only be inflicted*, if the bastard becomes *chargeable* to the parish;"† and it is not a little remarkable that the title of the act of 17 Geo. II. which was enacted to *amend*, and which you say "*defines*," that of *James* I. (on the title of which you lay so much stress) actually *omits* the word "lewd" and inserts the word "disorderly" in its place!

But you, also, cite, in proof of your opinion, a passage from *Judge Blackstone* in which he represents *open* and *grossly scandalous* offences against *public decency*, as cognizable by the temporal

* 7 James I. ch. 4.

† Blackstones Commentary, 4 ch. on Public Wrongs.

Courts. But, Sir, how does the punishment of offences against *public decency* prove that fornication *as such*, is punishable by the laws of England? The case referred to by the learned Judge, (1 *Siderf.* 168.) you will find to be an offence of a very different description. And as to the solitary case of the *Night-walker* at Northampton, to which he also refers, and which is reported by *Popham* p. 208, this I think will not materially serve your purpose as to those who frequent houses of ill fame, for the man in question was indicted as a *suspicious Night-walker* (*quia* noctivagus) which by the *Statute of Winchester* is a misdemeanour; and judgment was given against him accordingly! But, Sir, to put this point entirely beyond dispute, *I also* appeal to *Judge Blackstone*, and to the very page in his Commentaries from which your only extract upon this subject is made! Having stated that "*adultery*" and "*fornication*," together with some other flagrant immoralities, were in the year 1650 made *capital crimes*, but that after the *Restoration* this law became a dead letter, an event which I presume you, Sir, most feelingly deplore!—the Judge thus proceeds—"*these offences* have been *ever since* left to the feeble coercion (feeble indeed!) of the *Spiritual court*, according to *the rules of the canon law; a law* which has treated the *offence of incontinence*, nay *even adultery itself* with a great degree of (i. e. with nothing but!) tenderness and lenity. The *temporal* courts therefore take no cognizance of

the crime of adultery, otherwise than as a *private injury*."* But if the temporal courts take no cognizance of the crime of *adultery* but only as a *civil* injury, is it to be supposed that they should punish *fornication* by a *criminal* process?—Now then, Sir, I ask you with what pretence of truth or justice you exhibit me before the public as "propagating a dangerous error," and "making the rising generation think lighter of the crime of whoredom," because I have affirmed that fornication is not punishable *as such* by the English laws? These laws I stated substantially as Judge Blackstone himself states them, and therefore he must be answerable for the consequences, should *you*, Sir, be able to convict *him* of being ignorant of "the laws of England!"

But, after all, you may affirm that as prostitutes are punishable under the *vagrant act* for disorderly behaviour, and for public and scandalous violations of decency, the Penitentiary ought not to admit females who abandon a course of prostitution, until the legal punishment has been inflicted upon them. If the very statement of this argument did not on its face carry its refutation, I should reply, by asking where are the accusers? where is the evidence? and where, Sir, is the *Magistrate* to be found, who upon being made acquainted with all the particulars of the case, upon being told of the

* Vide Blackstone's Commentaries, 4 ch. on Public Wrongs.

desire of such a female to abandon her wicked life, to enter into a Penitentiary, and thus "to be restored as a useful member of society;" I say, Sir, where is that Magistrate to be found who, under such circumstances, would inflict the punishment demanded by her very discreet and benevolent prosecutors? I might ask, also, what any Magistrate would think of the equity, as well as mercy, of a requisition to punish a female *so disposed*, while thousands of the vilest and most abominable harlots are pursuing their criminal and destructive career with *impunity?* Pray, Sir, is this *another* instance of what you mean by "*distributive* punishment?"*

In the foregoing remarks I have purposely inverted the order which has hitherto been observed in this discussion, because it appeared to me of material importance, in the first place, to remove the injurious impressions, which may have resulted from your extraordinary and culpable declaration, that the Penitentiary is "*a fatal violation of the laws of God and man.*" Having endeavoured to expose the flagrant error and injustice of this assertion, I shall proceed to consider the several other topics which are involved in the present inquiry. I shall not attempt to point out every error, into which you appear to me to have fallen, as this would unnecessarily prolong a discussion which, I can assure you, Sir, cannot be less congenial, or more "disagree-

* Vide your "Address, &c." p. 26. & "the Remonstrant," p. 30.

able" to your feelings than it is to mine. I shall not, however, pass over any sentiment which you have advanced, that appears to me to bear any essential weight in the controversy.

Excepting what relates to yourself personally, which I shall notice in another place, the subject which takes the lead in your "Reply" relates to *Workhouses*. Concerning these receptacles I had asserted that "they never were intended as *reformatories*, nor for the reception of any one considered *simply* as an *immoral* person, but solely for the relief of the *aged, sick* and *infirm poor*, who are *totally incapable of procuring a livelihood.*"* This assertion you positively contradict, rebuke me for presuming to give so decided an opinion, and send me to the Statute laws for my correction. Sir, I have obeyed your admonition, and after perusing not, as you have done, merely "*the great outlines*" of the 43d of Eliz. but also all its *particular provisions*, I have not been able to find a syllable on the subject of *reforming* the *immoral*, nor of affording relief to any, excepting "such of the *poor* as are *lame, impotent, old, blind*, and *unable to work*;"† unless, indeed, setting the idle and strong to labour may be considered as an exception! But, Sir, what proof have *you* been able to extract from this "celebrated" Act, "the result (you say) of *consummate wisdom*," or as some

* Vide Remonstrant, p. 8. † Vide 43 Eliz. ch. 2. Sec. 1st.

think, rather of *consummate folly*,* to support your contradiction of my statement? Alas! not a single quotation! but, indeed, Sir, it were quite unnecessary, for although you have boasted of the "*celebrity*," and "*consummate wisdom*" of this Statute, it turns out after all that, at the time it was enacted, Workhouses were not in existence! and that the Act which gave them a legal establishment in the land, actually did not pass until 190 years afterwards! Upon this latter Act you proceed to put your own construction, and very ingeniously introduce two passages, one from Mr. Blair's pamphlet, and the other from the rules of the Penitentiary, which being included in reversed commas, and the only expressions which sound like argument in your favour, a cursory reader might easily mistake for the words of the statute! You *have*, however, made a quotation from *this* act, and it is to the following effect: that its provisions shall extend "to all such poor, *in their respective parishes*, as shall DESIRE to receive relief or collection from the parish." In this extract you again exercise your ingenuity by putting the word "desire" in Roman capitals, as though it were your intention to intimate that the "*desire*" of receiving relief, is a *qualification* for receiving it! I presume, Sir, it may be sufficient for me to observe here, that the magistrates and overseers also are vested with a discretionary power

* Vide Malthus on Population, Book 3. ch. 6.

to determine whether or not those poor who "*desire* relief" come within the intention of the act. If this, however, be not satisfactory I must in my turn request *you*, Sir, "to consult the statute laws," and you will find that the clause of the act, from which your extract is made, is not *imperative*, but leaves it to the magistrates and overseers to determine whether or not those who "*desire* relief" are, in the view of the Act, fit persons to receive it. Such, Sir, is the whole of the evidence, which you have been able to quote from the statute book in support of your statements on the subject of Workhouses. But how this proves that I have advanced what is "quite contrary to truth" in saying that these receptacles "were never intended for *reformatories*, or for any one considered *simply* as an *immoral* person," I am utterly at a loss to discover, and equally so that they were established for "the *relief*" of any other descriptions of poor than those which I have enumerated. It was my intention to have corroborated these opinions by a reference to the poor laws themselves, to various adjudged cases, to general usage, and to the sentiments of some distinguished magistrates upon the point under discussion; but my labour in these respects has been happily superseded by a Letter which I have just received from *Mr. Blair*, to whom you have more particularly addressed yourself on this part of the subject. As that Gentleman is far better qualified to discuss it than I can pretend

to be, I have subjoined his Letter, at length, and beg leave to refer you to it, as a full and satisfactory exposition of the principles of the statute law relative to the poor, exemplified by adjudications in our superior courts of justice, and the actual administration of the poor laws, by the magistrates, and parochial officers employed in carrying them into effect.

I shall now, Sir, proceed to the "reconsideration of the question. "What is the description of females for which the *Female Penitentiary* was established? for upon this point (you say) we are completely at variance."* "The *leading cause* (you say) of this great difference of *opinion* arises from the *advocates* of this institution applying *soft* and *tender epithets* to the *most* CRUEL and PROFLIGATE of the female race."† On the contrary, I assert that it arises from you, as the *adversary* of the Penitentiary, applying epithets, descriptive of the most inveterate and even diabolical iniquity, to those females who, instead of persisting, like "*the most cruel and profligate of the female race*" in a course of diabolical wickedness, "*by choice*" abandon their vices, and manifest a desire to be removed entirely out of the way of temptation and sin, into a situation of honest and useful employment. Here then, Sir, we are directly opposed to each other; it remains to be seen which of these assertions is founded in fact.

* Vide your "Reply," p. 41. † Ibid. p. 42.

The first remark I shall make here is, that you have converted a matter of *fact* into a mere matter of "*opinion*," and because *your* "*opinion*" contradicts the matter of fact, a highly benevolent and merciful Institution is to be held up for public reprehension, and a large body of the most valuable members of society to public derision and contempt! The fact is that the *London Female Penitentiary*, as its publications declare, was *established* "for those females who, having deviated from the path of virtue, are desirous of being restored by religious instruction, and the formation of moral and industrious habits, to a respectable station in society."—But in reply to this you say that the "practical execution," and "the professed object" and plan of the Penitentiary differ widely from each other—which by the bye, as you have expressed your unqualified approbation of the *object*, is admitting that the institution was at least not "ESTABLISHED *for* those infamous characters"* "who by choice continue in their abominable career."

Let us now see how you prove that the "practical execution," is a departure from the original object, of the Institution. It is very observable that you attempt to do this not by producing, as might have been expected, a statement of facts derived from an acquaintance with the history of the Charity, and an actual inspection of the real state of it, but by what

* Vide your "Reply, &c." pp. 41 & 48.

you call *a more accurate definition of terms!** Now then, Sir, for your *definition*—it is (and I beg you particularly to notice this) it is that of the *only* characters who ought, in your opinion, to be admitted into the Penitentiary, and for excluding whom you charge it with "opening wide its doors for the most abandoned prostitutes." The definition itself comprises two or three pages of your pamphlet, but the substance of it is this—"a female who having been seduced to deviate from the paths of virtue, and is desirous of being restored by religious instruction," is she, who after seduction, becomes pregnant, and goes to be delivered in a Workhouse! and whose "feelings" are so intrepidly and heroically "virtuous" that, rather than live in the habit of fornication, she would not only "*brave* the WORST of DANGERS," but actually "SUBMIT to the MOST IGNOMINIOUS DEATH!!"†—that is, seduced females who are desirous to be reformed, and whom, and whom *only* you recommend to the Penitentiary, are so *resolutely* "virtuous" as not to stand in need of reformation!! Certainly, Sir, you must be very querulous to complain that the doors of that Institution are for ever closed against such characters as these!—This, however, is your *definition.*

Now let us attend to your *argument*—"females who have been seduced to deviate from the paths of

* Vide your "Reply, &c." p. 42.

† Ibid. pp. 44—46.

virtue, and are desirous of being restored by religious instruction, *never go upon the Town*;"* *therefore* females who have been seduced to deviate from the path of virtue, and go upon the Town, *never can be desirous of religious instruction!* You have not expressed yourself here in a logical form, but your remark is evidently argumentative, and intended to lead to this inference, which indeed you have corroborated by several other assertions of a similar import.†—If your language have not this meaning, it is impossible that it can have any at all, in relation to the present controversy. Now, Sir, are you prepared to maintain this position? What then! is it *morally impossible* that a female, once debased by prostitution, should ever after become "desirous of being restored by religious instruction to a respectable station in society?" Is she then inextricably bound by the chain of her iniquity? Is her mind henceforward folded up in impenetrable darkness? Has remorse inflicted its last corrective pang? Has her conscience breathed its last faint admonitory whisper? Can the Spirit of life and moral illumination henceforth shed no beams into her mind, excite no religious sensibility in her heart, give no obedient bias to her will, or any future rectitude to her conduct? Or do you mean, Sir, to deny that *desires* of religious instruction and restoration rise in the minds of those *only* who are *already* instructed and restored!

* Vide your "Reply, &c." p. 45.

† Vide Ibid. 44, 45. and "Address," p. 12.

Are the seminal principles of reformation then *never* sown in the heart of one who is fettered by sinful habits, and entangled by vicious connections? Is it not *then* that the noble struggle often commences, which at length terminates in an entire renunciation of criminal principles and pursuits? Why then should it be thought impossible, that the *original germs* of reformation may be shooting forth in the mind of a female who has not yet entirely disengaged herself from her criminal connections, or found out a path of escape to honest and virtuous life? Dare you venture, Sir, to assert that every one who is found on the public walks of vice, is influenced by a sheer, diabolical love of sin? Are there none who loathe the vile and abominable habits by which they have been led to obtain their lodging and subsistence? Are there none whom remorse makes wretched, whom conscience terrifies, whom sickness hath tamed? None "in whom extreme suffering has excited a sentiment perhaps a feeling of penitence?" Not one individual in these walks possessing a desire finally to abandon them should some avenue of deliverance open before her, or some benevolent individual interpose in her behalf? Are you prepared, Sir, to put a negative upon all these questions? If so, it is in vain to expostulate with you, for it is evident that your opposition is directed, not merely against the principle of the Penitentiary, but against common sense, against experience

and stubborn and impregnable facts.* For is it not on well attested record that *multitudes* of miserable females, who were once living in prostitution, *have* fled for refuge to an Asylum, *have* manifested a desire to abandon their vices, and to be restored to virtuous society, and *have* been actually restored to it? Have they not evinced, by their future conduct, the sincerity of the *desire* which they expressed to be thus restored, and which you, Sir, would most charitably have called "forging a lie?". Has it not thus been incontrovertibly demonstrated that female asylums, similar in their principle to the Penitentiary, are capable of conferring upon society, a direct, practical and solid benefit? It is in vain, Sir, for you to oppose positive *assertions* to positive *facts*. Experience has plainly proved that there has been a description of prostitutes, who, from time to time, have renounced their wicked associates and pursuits, and who, having manifested a sincere desire of reformation, were in the eye of religion, policy, benevolence, and even common humanity, proper objects for a Penitentiary. And Sir, it is impossible for you to deny that similar cases are *now* continually occurring; or that it was *for such* that the *Penitentiary at Pentonville* was established.

* These facts have been already so frequently laid before the public, in the statements published by the *Magdalen, Lock Asylum, the Edinburgh Magdalen, Bristol Penitentiary, &c. &c.* that I deem it quite sufficient to make a general reference to them.

Indeed, when the *sources* of prostitution are considered, respecting which you have given the public only *partial* information,* it would seem to be almost a duty, with respect to many of its unhappy victims, to use even *importunate intreaties* to induce them to enter into an asylum. How many of these wretched females have been bred up in a *total absence* of all religious and moral impressions, educated, as it were, from their very infancy in the school of immorality, and constantly exposed, as they advanced towards maturity, to the influence of examples of the most abominable and destructive kind? Surely Sir, you must be compelled to admit that, notwithstanding their allowed criminality, there are many who, on these accounts, have some claim to our compassion. Again, how many are there whose vile and unnatural parents pushed them, as it were, into the streets, and have actually nourished their own vices upon the wages of their children's iniquity! How many are seduced, and then deserted by their seducers, who are afterwards driven into a course of vice by the unrelenting cruelty of their relations! How many, under delusive promises of marriage, are "persuaded to live with men upon dishonourable terms!" How many thoughtless and unsuspecting females, especially from the country, are trepanned into vice, and sometimes compulsorily detained therein, by the subtle artifices,

* Vide your "Reply, &c." p. 82.

and abominable intrigues, of panders and procuresses! Of these several descriptions there are many females, who may have no desire to be restored to virtuous life, who yet, considering the circumstances under which they are initiated, or seduced, or trepanned, or driven into sinful courses, are real objects of pity and benevolence. If then, Sir, there are many to be found among these classes who, notwithstanding they express *no* desire to be delivered from their vices, and to be restored to honest and useful occupations in society, have strong claims upon our benevolence—shall we close the doors of the Penitentiary upon those who, while presenting these or similar claims, earnestly and loudly knock for admittance, and manifest, as far as can be perceived, a sincere desire to be restored to society, to virtue, and to God? Surely, Sir, there is no man, whose mind is unperverted by false principles or systems, who would recommend a measure of so much cruelty. And here, permit me to observe, that the Penitentiary does not protect those females who have no qualification but that, which according to your interpretation of the law, obtains admission into a Workhouse, i. e. who only "DESIRE *relief*!"* they must also, Sir, be *desirous of reformation*; and this desire must be manifested not merely by "*their own simple assertion*," which, according to the same interpretation of the law, would

* Vide your "Reply, &c." p. 31.

be a passport into a Workhouse; but by a corresponding appearance, temper, and behaviour, by the evidence of their probation, and by a variety of minute inquiries, and concurring circumstances, which may contribute to develope their real motives, and to put the sincerity of their desires to the test.

From hence, Sir, you will perceive of what description the females are, whom the Penitentiary receives, and how widely this Institution differs from a Workhouse, which, according to your representations, gives "prompt admission" to the "*most depraved, despicable*," and even "*desperate* characters!*" and whom, you say, the law, (so far from allowing a discretionary choice, similar to that which the Penitentiary exercises,) absolutely "*obliges the Parish officers to take in!*"† To which I may add that the Penitentiary, in its selection of objects, gives a preference to those females who have continued but *a short time* in habits of prostitution, and have made but the *least* progress in vice.

It appears, also, notwithstanding your assertions to the contrary, that the Penitentiary has strictly adhered to the original design of its establishment. The public were told that it was "not designed as a retreat for the *miserable remains of decayed and inverate prostitution*, nor for those who exhibit in their appearance, spirit and manners the *features of volun-*

* Vide your "Reply, &c." p. 31 & 34.

† Ibid. p. 34.

tary and hardened profligacy; but as a refuge for the *seduced female* who, in the temper of *genuine penitence*, is anxious to return into the paths of virtue; and for her who, in the *first stages* of prostitution, in a *similar temper*, and with a *just sense* of her *errors* seems eager to renounce her vices;"—or, (according to the passage so frequently cited,) "for the reception of females, who, having *deviated from the paths of virtue*, are *desirous of being restored* by *religious instruction*, and the *formation of moral and industrious habits*, to *respectable stations in society*." Now, Sir, I affirm, upon authority which I cannot allow to be questionable, that it has been the incessant and invariable aim of the Penitentiary in the selection and admission of its inmates, in its practical administration, and in the ultimate settlement of the penitents, to realize the proposals which were thus, at first, held out to the public. If in any instances they have been deceived by the contrivances of a subtle and artful dissimulation, this is only what the committees were prepared to expect, and certainly forms no evidence whatever of a practical departure from the original object and rules of the Institution. Indeed, the occasional occurrence of an instance of this sort, has proved how difficult it is even for these "adepts in deceit" to wear long the mask of hypocrisy undetected, and has shewn more evidently, by the force of comparison, the different spirit of the others.

It has evinced, also, more clearly the *reality* of that *distinction of character*, in its objects, which the Institution constantly endeavours to maintain, as well as the fact that it actually does maintain it! To confound *this distinction*, Sir, is one of the grand artifices by which you have as constantly sought to degrade this benevolent charity in the public estimation, and to confer a specious plausibility on your arguments. Yes, Sir, in order to effect these purposes, you have found it necessary to confound in one undistinguished mass, of equal guilt and atrocity, every female who has been once stained with the crime of prostitution! It is not possible for me to resist an emotion of astonishment when I contemplate a man of your observation and experience, so well acquainted with the "sources" of prostitution, and with "the lower orders of society" attempting to establish a position so evidently unfounded, injurious, and unjust. A position as unphilosophical as it is false, which admits no distinction in guilt, which marks no gradations in iniquity; but places the vilest and most inveterate harlot, and the youngest adventurer in vice upon the same level; which classes her who may have fallen a victim to an insidious seducer, with her who after waiting "to try her chance,"* boldly plunges into vice—that confounds sheer voluntary depravity, with the evil, of which a great part results from the force of circumstances—which covers with the same odium her who revolts at the idea of per-

* Vide your "Reply, &c." p.

sisting in a vicious course, and her who "*by choice* continues in her abominable career;" and exposes to equal scorn and execration those who avail themselves of a reformatory, and those who do not!

Sir, were your description of the objects of the Penitentiary intended to be applied to them *whilst yet living in a course of vice*, it would be unjustly and extravagantly overcharged, it would even then be applicable rather to those obdurate veterans in iniquity, who *really* possess a "*diabolical depravity of heart*" and are *indeed* the "MOST *profligate of the female race.*" But when it is recollected that this description is intended to designate those young creatures who have been artfully betrayed, seduced, trepanned, or cruelly driven into sin; who have scarcely arrived at the age of maturity, and who of course have proceeded but a short way in the career of vice; and these not "*chusing*," as you assert, "to continue" in it, but *anxiously desirous to be delivered out of it*; glad to exchange the sinful gratification of their passions for confinement, habitual labour, and strict religious discipline, and manifesting, as far as can be perceived, an abhorrence of their past conduct—I say, Sir, when these things are considered, and that it was for such objects that the Penitentiary was established, the flagrant error and injustice of your representations must excite not less blame than astonishment!

Upon the whole then, Sir, it appears, that when you assert that the Penitentiary was founded for "the MOST abandoned prostitutes" for those who "possess diabolical depravity of heart," "who have been guilty of the most flagitious crimes," for "daring harlots in whose abominable character centers every crime within their reach" in short as being "*designed* for the most cruel and profligate of the female race," "who by choice continue in their infamous career;" you very accurately and forcibly describe those very females for whom the Penitentiary was *not*, and for whom, according to your statement Workhouses *were*, established! All your arguments, therefore, ("if by courtesy they may be so called") which are built upon this misrepresentation, are of no value, except to shew "how far the human mind, under the impulse of a wrong bias, may wander, when predetermined to support a favourite system!"*

But further, you also attempt to invalidate the above *facts*, which may, as it were, be felt and handled, by the following extraordinary arguments. A prostitute, you argue, who is desirous to return to the paths of virtue is under no absolute necessity to continue in prostitution to procure her daily bread, because she may apply to a Workhouse for relief, *therefore* no prostitute who has not applied to a Workhouse for relief, is desi-

* See your "Reply, &c." p. 2.

rous of returning to the paths of virtue!—Again, the Penitentiary receives prostitutes who have not applied for admission into a Workhouse, and who, according to the preceding argument, have no desire to be restored to virtuous life; *therefore*, "the Penitentiary was *exclusively* established for the most cruel and profligate of the female race!" Again, the fact of a female not applying to a Workhouse, in order to be there reformed, is an evidence that she is an unfit person to be received into a Penitentiary, and that her application *therefore* ought to be rejected. I have here stated your arguments* with the most perfect fidelity, and yet you perceive, Sir, that the *mere exhibition* of them, in a correct form, constitutes, at least, one half of their refutation!

Now, Sir, in reply to these arguments I will not take upon me to assert, that some unhappy females do not even know the parish to which they belong!—I will not say, that many fear to be exposed to the scorn and insults of former companions and neighbours, or to the resentment of disgraced, and therefore indignant, relatives, by being passed to their own parish—I do not assert, that many are totally ignorant that at Workhouses "plans are devised" for "restoring" prostitutes "as useful members of society!"—I do not assert that many are deterred from applying to these receptacles by the "almost

* Vide "Reply, &c." p. 53, &c.

proverbial harshness and cruelty of parish Officers!"—I do not say, that many who *have* actually applied, were not able to obtain admission!—I do not say, what I am able to prove, that those who have gone into a Workhouse sick, and were desirous to remain there, rather than return upon the town, were dismissed immediately upon their recovery!—I do not say that, through ignorance and various concurring circumstances, many are so entangled and fettered by their vices and connections, that they may be regarded as under the influence of a "*moral* constraint."* I will not again assert it to be "perfectly *natural*" that some penitents, from the superior manner in which they have been brought up, and from delicacy of constitution, should feel "an unconquerable aversion" to go to a Workhouse!*—I do not say, that the sentiments entertained concerning *all* prostitutes, by one of the most humane Superintendants of the best regulated of these receptacles, is a propitious omen, if not an absolute guarantee, of the favourable nature of that reception and treatment which *every* prostitute may expect to meet with at such places!—I do not say, although, you yourself declare it, that women of the most "*despicable*," "*depraved*," and even "*desperate* characters" are received into Workhouses, and that *therefore* they

* Vide your "Reply, &c." where you introduce these sentiments as contradictory! I notice this trivial circumstance, in order to shew how little you are to be depended upon, when you represent your antagonists as at variance with each other!

are unsuitable Asylums for females who are desirous to abandon their vices, and to *escape* from *such society!*—I pass by all these more or less weighty considerations, which, if you please, Sir, you may call "sophistical;" in order to ask you the following questions.—You will not, I presume, deny that a prostitute, who professes herself desirous to be restored to virtuous life, gives a less questionable proof of the non-existence of such a disposition by refusing to apply, for this purpose, to the *Magdalen Hospital*, to the *Lock Asylum* or to the *Female Penitentiary*, than by her refusal to apply to any Workhouse whatever. Now, Sir, permit me to ask you, if such a female, who had not previously applied for admission into any of the above mentioned charitable Institutions, were to apply, with the same intent, at *Spital-field's* Workhouse, would you deem it a sufficient reason for regarding her as one of the "most cruel and profligate of the female race" that she had not made any such application, and therefore reject her? If you say that you would *not*, on this account, refuse her admission, then, Sir, I ask you why the Penitentiary should reject the petition of the female who knocks at its gates, because she has not made a previous application *even* at a *Workhouse?* If you reply, that you *would* refuse her if the law, as *you* say, did not *oblige you to take her in!* then, Sir, I ask you whether you mean to reflect upon the legislators of your country, as enacting that which is pernicious to

society, and to pass a censure upon that very law which directly emanates from the act which you applaud as the result of "*consummate wisdom!*" Permit me to say, Sir, that nothing can extricate you from the alternatives of this embarrassing dilemma! Again, suppose the unhappy girl in question were to declare that she *had* made an application to each of the charities above mentioned, and that she could not obtain admission for want of room, would you not, to maintain your consistency, be compelled to regard her as a "*filthy adept in deceit*," her declaration as "*a forged lie*," and, *if the law would permit*, to reject her application as the "simple assertion" of a "deceitful prostitute," "long drilled in the school of deceit!"* Indeed Sir, your public declarations seem to be admirably calculated to *encourage* penitent females to apply to those parochial Asylums, which *you* say the law has provided for their reception! They may *now* apply not only with the prospect of being sent to Bridewell for *having been prostitutes;* but with the full persuasion also that they shall be charged as *public impostors*, for attempting to gain admission into the Workhouse by "*forging a lie!*

Further, Sir, as it is an unquestionable fact that the Penitentiaries of London are constantly receiving applications for admission, from those females who, at least, profess themselves desirous to be res-

* See your "Address, &c." pp. 12 & 17, and your "Reply, &c." p. 37.

cued from vice, and restored to virtuous life; and as it is equally a fact that such applications have scarcely ever occurred at Workhouses, it follows, that, whatever may be the recommendations of these parochial receptacles in other respects, they have at least been inefficient in *that* which only is of any importance in the present discussion. Your reference, therefore, to these *Asylums for the poor*, has tended only to shew more clearly the imperious necessity which existed for those very Institutions, whose demolition you are rashly endeavouring to accomplish!

But, Sir, if after all that I have advanced, you still continue, in opposition to plain *matter of fact*, and the several corroborating considerations which I have adduced, to affirm, that the women whom the Penitentiary receives, are the most inveterately "*depraved*," and "*diabolical* characters" of their sex; then Sir, as the direct advantage (demonstrated as it has been by their spirit and behaviour whilst in the house, and by their uniform good conduct in the families where several have already been fixed,) *then* Sir, I say, that as the direct advantage which these women have actually received, and by which Society is thus benefitted, has been derived from the Institution in question; it necessarily follows, that, so far as relates to the immediate attainment and communication of *positive good*, your own statements confirm the argument in favour of the Penitentiary! If

those statements be true, then, Sir, the beneficial efficiency of the Charity immensely transcends the most sanguine expectations of its projectors!

In order, however, that the public may know the whole of the truth, and to deprive you of every pretence for vilifying this Institution, I think it proper to declare that, although the committees in their regular proceedings give a preference to those females who are young, and who have been but a short time in a course of vice, yet they do not rigorously bar its doors against *all* who are of a more mature age, and whose career of iniquity has been more protracted. Cases occasionally occur of such peculiarly distressing and affecting interest, accompanied by so many alleviating circumstances, and presenting so favourable a prospect of communicating the essential advantages of the Charity to the individuals who apply, that the committees would deem themselves chargeable with a dereliction of their duty, if, when such instances happen, they did not depart, in some degree, from the ordinary rule of their procedure. You will please to observe, however, that these cases are comparatively rare, and do not at all interfere with the *grand distinction of character* which it is the invariable object of the committees to maintain; since *no female whatever* is *fully* admitted who does not evince, by her appearance, temper, and conduct, that she is really desirous of

renouncing her vices, and living virtuously for the future.

But further, Sir, you assert that the Penitentiary closes its gates upon the *seduced female* who is desirous to be restored by religious instruction, &c. to a respectable station in society, because it refuses to admit her in a *state of pregnancy!* But, Sir, permit me to ask you, are there no females of this description but such as are in a pregnant state? Are there no seduced females who do *not* become pregnant, whose "illicit amour" is nevertheless detected? who from the violent reproaches and persecution of their relatives, and the dejection occasioned by loss of character, are in imminent danger of falling deeper into sin, and yet desirous to escape the gulf which opens before them. Here then is a "seduced female" against whom the Penitentiary does not bolt its doors, and whom you yourself admit may be desirous of *restoration!* Again, Sir, you must be aware that there are seduced females who either miscarry, or whose children are still born, or who lose their infants in childbirth, or afterwards by death. Further, there are seduced females whose friends have pity upon the "dear little innocent," who have none upon the offending and disgraced mother. And again, there are seduced females whose offspring are in the care of the parish, who through poverty and loss of character are exposed to the most perilous temptations. Now,

Sir, even you yourself admit that *such females* may be desirous of being restored by religious instruction, that they are "deserving of our pity, and have a strong claim upon our benevolence"* to be *so* restored to a respectable station in society! After all, then it appears that the Penitentiary does not exclude "seduced females," unless they are in a state of pregnancy, and if it had received them in this state I am persuaded, Sir, that you would have been the first to have charged it with encouraging and facilitating seduction by lessening the fear of shame and punishment. I have already shewn that, even upon one of your own principles, the Penitentiary must be acknowledged to have acted with wisdom in this particular.† Besides, Sir, you may not, perhaps, be aware that no person can open a house as a *Hospital for Lying-in Women*, without conforming to all the provisions of the 13 Geo. III, ch. 82, under a penalty of fifty pounds! Now, Sir, one of these provisions is that the Governors, &c. of every such house, after having taken out a license, shall cause to be put up in large letters, on the front of the building, the following inscription:

LICENSED FOR THE PUBLIC RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD.

But what do you suppose, Sir, would be the con-

* Vide your "Reply, &c." p. 44. † Vide Remonstrant, p. 13.

sequence of putting up such an inscription as this on the outside of the London Female Penitentiary? Sir, it may be as easily foreseen as that you and I should not chuse to stand as porters, and reply to all the applicants who would knock at its gates! And again, Sir, what do you think the *parish Officers* would say on the point of *illegitimate children*, if "seduced females" were delivered in the house? Would they never, think you, interfere so as to embarrass, if not to frustrate the very design of the Charity?

However, Sir, you yourself admit that the Penitentiary, "*renders an essential service to the community*,"* by receiving under its protection "seduced females" *who have never been on the town*; but assert against such it bars its doors. Do you then mean, Sir, to say, in relation to a seduced female, that *a state of pregnancy* is indispensible to a desire to be reformed, and that under all other possible circumstances she is totally insusceptible of the desire, and incapable of the benefit of reformation? But, Sir, it is "in vain to delineate these *little shades of difference*" when our fellow creatures are to be saved from the danger of falling into "a crime of such an awful nature as prostitution!"†

To put, however, this point entirely out of dispute, I affirm it to be a *fact* that a full *fourth part* of the penitents, at present under the wing of the Penitentiary, ARE *seduced females* who *never have been on*

* Vide your "Reply, &c." p. 43. † Ibid. p. 47.

the town, some of whom, had it not been for the protecting care of this Institution, might have "descended into the sinks of prostitution," and been at this moment enticing and destroying the youth of the metropolis. Of these, these are several who never had any criminal intercourse but with their seducers. Some, also, of this latter class have left the Penitentiary, and been placed in respectable families, where their conduct has been uniformly good. Of these, four have exhibited evidences of decided and exemplary piety.* Now, Sir, these are facts of a "*tangible nature*" to which your ready method of dismissing what your opponents may advance against you, by calling it "*absurd*" and "*sophistical*," will not apply. Here, Sir, are instances of positive "individual good,"† connected with important advantages

* In the "statement of facts" appended to the *Remonstrant*, I introduced the case of a young woman who had been seduced, and afterwards became an exemplary character in a family, where she still lives, and does credit to her religious profession. I described this person not as "a prostitute"* but as having "fallen into sin and manifested signs of contrition." You say, Sir, "that if I had known this woman came from *a Workhouse*, I should have omitted the circumstance altogether."† But why so? I adduced it for the purpose of shewing that "females who had deviated from the paths of virtue," might become even eminent blessings to families. I also acknowledged that religious advantages were *sometimes* enjoyed even in *Workhouses!*† But, Sir, as you yourself observe that you "do not consider this circumstance as any triumph over me," I shall say no more upon it.

† Vide your "Reply, &c." p. 87.

* Vide your Reply, &c." pp. 61 & 62. † Vide Remonstrant, p. 39.

to society, of which you can neither deny the reality, nor evade the force. Instances, Sir, selected out of that very class, viz. "*seduced females*" who have *never been common prostitutes*, whom you affirm that the Penitentiary "for ever excludes," and for whom you so pathetically plead, though not without adducing a consideration which might reasonably cool the ardour of your importunity, viz. "That there is not *one* instance in *a hundred* of a woman who becomes a prostitute *in consequence of seduction!*"*

As to the possible separation of the *mother* from the *child*, against which you cry out so loudly, I observe that, in whatever degree such a measure is to be lamented, the accomplishment of a benevolent design may sometimes render it expedient. At least, Sir, you must allow that it is not an unprecedented occurrence. Did you never hear of the *Foundling Hospital*, by the very *rules* of which all intercourse between parents and their children is prohibited? And, Sir, can you be ignorant that even *parish officers* put out to nurse infants, who are *separated from their mothers*, in order that the latter may go into service? How perfectly "ridiculous" then is it, because the Penitentiary does not receive women in a state of pregnancy, and would not, under certain circumstances, reject the applications of *such*, after their delivery, as may be *desirous*

* Vide your "Reply, &c." p. 47.

to enter into it without their offspring—I say, Sir, how perfectly "*ridiculous*" is it for you *therefore* to cry out—"I appeal to *every parent* in the kingdom, and ask, ought such an Institution to continue a single day?"* Surely, Sir, you might with much less impropriety raise your voice against the rules of the *Foundling*, and the proceedings of *parish officers*; and cry out, "I appeal to *every parent* in the kingdom, and ask, ought *such an establishment* and *such proceedings* to be countenanced a single day?"

I come now, Sir, to the consideration of what some regard as the *argumentum palmarium* of your book, in which you appear to have compressed your chief energy, and on which you are willing to rely for the final determination of the controversy. Your argument appears to be this, *that for every prostitute taken into the Penitentiary, another female immediately takes her place,—so far there is no actual diminution of the number of women upon the town, the "sum of prostitution" remains precisely as it was. But then as some part of those who are received into the Penitentiary, in any given year, may reasonably be expected "to revert to their sinful courses," "the exact number of these, whatever it may be, will give the amount of the actual increase occasioned by the Penitentiary for that*

* Vide your "Reply, &c." p. 50.

year."* I think, Sir, you will admit this to be a correct statement of your argument, so far as relates to the supposed increase of the number of prostitutes on the town. Now, permit me to observe that you have here taken quite new ground. Perhaps, Sir, this argument is *more plausible*, although not more sound, than any which you have hitherto advanced; and yet I am not able to discover a trace of it in your former pamphlet! I have, however, found it in the *Medical Observer* for April last, from whence, considering the date of your publication, and that you have also adopted a *phraseology*,† similar to that of the medical Critic, it is a fair presumption that you may have borrowed it! There is, however, nothing really new in the argument, and, therefore, I am at liberty likewise to suppose, that you might be previously acquainted with it, but excluded it from your first pamphlet by reason of a lurking suspicion that it is "sophistical!" If this were *indeed* the case, the production of it *now* may tend to shew the straits and difficulties of your situation!—In the "*Remonstrant*" I had refuted the arguments which you originally employed against the Penitentiary. This refutation, however, you have very politicly passed over, by merely denominating my reasonings "metaphysical," "sophistical" and "absurd!" I had, also, adduced argu-

* Vide your "Reply, &c." p. 86.

† Vide Med. Obs. vol. 5th, p. 260, 261.

ments in defence of the Penitentiary, which I am persuaded are irrefragable; these, also, you have thought proper to dismiss, in a similar manner, without a single attempt to refute them! You have acted thus also in reference to the chief part of what has been advanced by the Gentleman with whom I co-operated in that defence, so that your last attack upon the Penitentiary is little more than a repetition of those charges against it which you had before given to the public, and the falshood and futility of which had been so repeatedly demonstrated! You have nevertheless deemed it proper to make in your "Reply" a great parade of *these charges*, imagining, I presume, that they might at least serve you for *outworks*, whilst you prudently retreated for safety to your *newly discovered argument*, as to a *fortress*, from which I shall now attempt to dislodge you.

In order to achieve this object, it may be necessary to re-state the formidable argument in question. *For every prostitute admitted into the Penitentiary, another female immediately occupies her place; so far then no actual diminution of the sum of prostitution is effected; but as some of those who enter that Institution, may reasonably be expected to "prove deceivers," and to return to their vicious courses, the "exact number" of such instances, in any given year, will give the real "amount of the increase of prostitutes by the*

Penitentiary for that year."—Now, Sir, as you affirm that this is the grand "point upon which the whole of the controversy hinges,"* and that to this you are willing it should be "reduced;" it follows unavoidably, from your own admission, that if you are wrong here, you are radically and fundamentally wrong! Here, then we are again at issue. Now, Sir, I observe in the first place, that whatever may be the confidence with which you assert, that for every prostitute who enters the Penitentiary, "another, who is now prevented will *immediately* become a prostitute,"† I must be permitted to regard your assertion as entirely hypothetical, and incapable of proof. But, admitting it, for the sake of argument, to be a fact, with what pretensions, Sir, to justice can you attribute this accidental evil to the Penitentiary? Even those mischiefs which result from an *abuse* or a *perversion* of that Institution, cannot equitably be charged upon it. But the evil in question cannot be connected with the Penitentiary even by such feeble links as these! It is the result neither of a *prospective* operation, as though it held out a premium for vice, nor of any *subsequent* pernicious influence, by means of the women who may enter into service;‡ for the female, who, in this case, plunges into prostitution, may be supposed to have no knowledge whatever

* Vide your "Reply, &c." p. 79.

† Vide Ibid. p. 84, 85.

‡ Vide Remonstrant, p. 35 and 20th.

even of the existence of the Penitentiary! But, further Sir, is it any solid reason for my refusal to perform a substantial act of benevolence towards *one* individual, that *another* may convert it into an occasion of committing evil? Shall an individual refuse to pay a just debt to his creditor because a third person may turn a thief in order to rob the latter of the money? The quality of positive good which I do to an individual, and through him to society, cannot, in the nature of things, be affected by the bad conduct of others, and makes not the least abatement in my obligation to perform the duty. It is an act, therefore, of gross and flagrant injustice, supposing such accidental and indirect evils do occur, to charge them upon the Penitentiary, with which it has properly no more concern than Mr. Hale himself! Indeed, Sir, it would be an act of much less injustice for me to charge you with being guilty of "a fatal violation of the laws of God and man," for having given an *almost universal publicity* to an Institution which you denounce as of "*dangerous tendency*" *to the morals of society!* For it is evident, that by advertising it, in the title page of your book, through every street of the metropolis, and, by the newspapers, in every part of the kingdom, you have contributed indirectly to extend its supposed pernicious and "fatal" influence!

Again, Sir, mark another consequence of your principle. You have placed yourself in the awkward

predicament of a man, who is distinguished for his benevolence, pleading in *behalf of a number of vicious females*, who are waiting for "*the desired opportunity*" of plunging into prostitution, *to the injury of those who are earnestly desirous of being extricated out of it!* Is it possible, Sir, that any of your *numerous* admirers can sanction the palpable injustice of such a preference?—What! must a poor perishing young creature, who has just caught hold of the hand which had been extended to save her, be cruelly pushed back again into the flood, because a suicidal wretch, *who has the means of honest support in her hands*, is resolved, should the other be rescued, "immediately" afterwards to plunge in!* Is it possible, Sir, that you can persist in the defence of *speculations*, which lead to consequences pregnant with such evident and shocking injustice? But, I wish here, Sir, to impress upon your mind that the females admitted into the Penitentiary are not merely saved from sinking in the *dead sea* of prostitution, they are also directed how to apply for the *waters of eternal life;*† they have not only the opportunity of forming habits of useful and profitable industry, but, also, of receiving constant religious instruction, and of hearing the gospel preached in its highest doctrinal and moral purity; and in a manner *peculiarly* adapted to convince them of the black enormity of their guilt, and the dreadful malignity

* Vide your "Reply, &c," p. 85, † Vide John iv. 14

their crimes; as well as to lead them, through the Mediator, to a pardoning God, and to an entire and conscientious abandonment of their former immoral and destructive courses:—whilst those, Sir, on the other hand, whom you suppose to take their places in the haunts of prostitution, are already so far vitiated, as to render it utterly improbable that they should ever voluntarily use the ordinary means of salvation, or, from the nature of their connections, be led to do so, excepting, as penitents, by means of a public reformatory.

But, Sir, a more serious consideration still remains—If it be injurious to the community for the Penitentiary to snatch a prostitute from ruin, because it is supposed to make room in the walks of infamy for another, who may prove more prejudicial to society than her predecessor—then, Sir, it follows by necessary and unavoidable consequence, that it is an act *proportionably* beneficial to society *to detain her in her vicious courses!!* Yes, Sir, I affirm, without fear of refutation, that *upon your principles* it is an act of virtue and patriotism to encourage her in sin, nay it is even an act of patriotism and virtue in the female herself to continue in her iniquitous career. It must be wrong even to weaken her attachment to vice, or to do any thing that may induce her to renounce a situation which, for the interest of the community at large, she is so beneficially filling up; and for this im-

portant reason—lest a female more destructive in her influence should step into her place!* But, Sir, if the Female, who is to be saved from ruin, manifest any signs of penitence, the argument gathers immense strength, the duty becomes of most imperious obligation—and an act of rescue highly reprehensible indeed, since the greater timidity and tenderness of conscience the penitent feels, the more circumscribed must be her mischievous influence, and the greater the *comparative evil* arising from the vices of her more vile and profligate successor!—who is "*ready*" *voluntarily* to plunge into the abyss from which the other is *desirous* to be rescued! Now, Sir, I appeal to your reason, to your morals, but above all to your religion, can any principles be imagined more dreadfully horrid in their consequences than *those* which you have taken so much pains to propagate!—principles by which virtue is reconciled with guilt, and iniquity made to promote the public good; by which it becomes a duty to repress contrition, and culpable to abolish vice; and according to which an act of positive benevolence, and that of the highest kind, as benefiting the souls as well as bodies of the most wretched, helpless, and hopeless of our fellow-creatures, is characterized as "a most fatal violation of the laws of God and man"!!!

But these consequences are, no doubt, all "sophistical" speculations. Well then, Sir, I will bring

* Vide your "Reply, &c." p. 87 and 88.

the matter home to your own bosom. The error of principles, indeed, is generally best illustrated or exposed by their direct application to cases of real life. Out of many such cases that may easily be imagined, I therefore select the following—Supposing Sir, a parent whose daughter had lived some time in a course of prostitution were to apply, with a view to her rescue, for advice and assistance to a magistrate. Suppose further, that the magistrate in question had adopted your principles, and conceived himself to be under an obligation to act upon them, might he not reasonably be expected to reply to the following effect? "My good friend, I compassionate your case, and should be very glad to relieve you, could I do it consistently with the general welfare, but as it is a fact that another female will immediately take the place of your daughter, who may prove much more mischievous to society than her, it is my duty to recommend you to let the matter rest, and to suffer your daughter to continue in prostitution for the good of the state!—a consideration this, which ought to console you for your own loss and her ruin"!—Now, Sir, suppose that you *yourself* were the parent who made this application in behalf of a beloved and perishing child, and that your were to receive such a reply—what would be your feelings? What emotions of mingled astonishment and indignation would instantly seize you! But, no Sir, I wrong

you greatly by this supposition. On the contrary, if *you* were the father, you must be compelled to applaud the justice and patriotism of the magistrate, as being in conformity with your own extraordinary principles! There is an alternative, indeed, which, upon such an occasion, might naturally occur to *you;* I mean, Sir, the *punishment of death*, according to your own interpretation of the Mosaic law! Sir, you have a father's feelings: Would you then be prepared for the execution of this sentence? Would you perceive in it nothing "rigorous" or "severe"?

But, Sir, not only are your *principles* false—the *statements* by which you attempt to give your principles a specious and imposing aspect are also fallacious. In these statements you proceed upon the supposition that in a given year there "is an hundred prostitutes taken into the Penitentiary"—Now Sir, of these hundred prostitutes, I will further suppose that *thirty* relapse into vice, and that the remaining *seventy* are restored to virtue and to society. Of these, some are reconciled to their friends, some are placed in shops, or in some honest and useful occupation, and the rest as servants in respectable families; but, according to the supposition, not *one of these* SEVENTY *go again upon the town.* Here then, Sir, is the positive individual and social good arising out of the reform of *seventy* females, many of whom I am at liberty to presume

become truly pious characters. As to the *thirty* who are supposed to relapse, it is to be observed, that they contribute no more to the *sum of moral evil*, than they would have done if their vicious career had not been interrupted—on the contrary, as the religious impressions, which they may have received in the Penitentiary, may prove a restraint upon some, and ultimately lead to the restoration of others,* an addition is hereby made to the *sum of moral good* which must be thrown into the opposite scale. Now, Sir, let us see how you attempt to cancel the account as thus stated, and to establish a calculation that would injure the credit of the Penitentiary. You "declare, without fear of contradiction, that for *every prostitute* now upon the town, let their numbers be what they may, there are *two* ready to take their places"†—Indeed, Sir, "two..... *two*..... ready to take their places!! But *two* what?

* I have already suggested the probability of good being effected in this way. Vide "Remonstrant," p. 69. The following fact will corroborate the intimation there given. A young woman left the Penitentiary in an unreformed and impenitent state, and went again upon the town. But, to use her own language, "*conscience* would not let her go on long," she "could not bear herself;" and after being but "one month in that dreadful situation," she procured work, and "lived for five months on bread and cheese only." This young woman is now comfortably fixed in a respectable family at a market town in Essex, and has written a letter expressive of her sense of the benefits which she has received by means of the Penitentiary. Neither is this a *solitary instance*, two or three others, of a similar nature, have also occurred.

† Vide your "Reply, &c." p. 85.

Pray, Sir, explain? There is something remarkably suspicious here. Are they two *prostitutes* or two *modest women?* I will give you time to breathe, Sir—and in the interim proceed to fill up the *hiatus*—"For every prostitute now upon the town there are two [prostitutes] *ready* to take their places"!!!* Pray, Sir, do you understand this?—Then I will proceed a step further—"Supposing (you say) for a moment, that there is a hundred annually taken into the Penitentiary; for this number admitted, there is an hundred (an hundred what? Why prostitutes to be sure,) more at least upon the town"† That is, if the Penitentiary receive a hundred prostitutes, a hundred prostitutes take their places, therefore "it must be obvious to every *reflecting mind* that the number of prostitutes will be proportionably *increased!!*" Now, Sir, without making any pretensions to a "reflecting mind," it appears to me from the preceding considerations, that, on the supposition that *none* of these hundred females, whom you suppose to enter into the Penitentiary, to relapse, the "sum of prostitution must certainly *diminish*, and that (as you say) *in proportion to the numbers admitted into it!*" The question *here* evidently relates to *two hundred prostitutes* of whom one hundred are supposed to be restored by the Penitentiary, of course the number left upon the town must be *diminished in proportion to the number ad-*

* Vide "Reply, &c." p. 85. † Vide Ibid. p. 86.

mitted into it!" And surely, Sir, you are not prepared to assert that, upon the removal of these latter into more eligible circumstances for *more* general prostitution, a hundred *virtuous and modest women* will in a moment become vitiated, and occupy *their* mixed condition of labour and *less* general prostitution!!! But I dare say, Sir, this is all "sophistical" and "metaphysical," "exhibiting you to the public as saying what you never said, and as asserting principles the very opposite to what you feel," and therefore I presume, you will again tell the public that the advocates of the Penitentiary "have in no one instance refuted one single objection that you have brought against it."* But, Sir, I insist that, according to *your own statements*, the women whom you suppose to take the places of the reclaimed females ARE *already prostitutes!* The *two* whom you represent as their successors, you very justly describe, not *as virtuous and modest women*, but as females who "*frequently* go out in the evening and *offer themselves for prostitution!*" and of whom you say "*there are many thousands!*"† They are such as "are *often* what they call "trying their chance," and who only "give over their *wicked pursuit*" when the "scanty prey" renders it an unprofitable one.‡ Now, Sir, I appeal to yourself whether this is not an accurate descrip-

* Vide your "Reply, &c." p. 6. † Vide Ibid. p. 84.
‡ Vide Ibid. p. 85.

tion of what are called *street walkers* or *common prostitutes*. And are not *these* the *proper names* of such as "go out into the streets and *offer themselves for prostitution?*" Pray, Sir, if the Penitentiary were to admit any of those whom you thus describe, and any of its defenders were to assert that they were *not* prostitutes, what would you say to that? I know, Sir, you would insist upon it that they *were*. You perceive then into what difficulties you have plunged yourself, and what *prudence* will be required to enable you to maintain consistency in your next publication! Why, Sir, so far from not reprobating as prostitutes *this description* of females, *should they be received into the Penitentiary*, I question whether, *in this case*, you would not include in the same class, even "seduced females," who had afterwards lived with more than one man "on dishonourable terms," although they had NEVER "*gone into the streets to offer themselves for prostitution!*" It is hence evident, also, that in order to give a colour to your expiring cause, it will *really* be necessary for *you*, Sir, to apply "*soft* and *tender* epithets to the *profligate* of the female race!" Not to such as *are desirous to be restored, &c.* of whom the advocates of the Penitentiary speak, but of those, Sir, who, *with a living in their hands*, voluntarily plunge into a state of "horrid" prostitution! A few of these gentle epithets may likewise be necessary, Sir, to palliate the guilt *even* of those who have

not *yet* "offered themselves for prostitution" in the public streets, but who, with the *genuine mind of the prostitute*, "are *ready* to take the places" of such as enter into the Penitentiary!

There remain upon this part of the subject two more considerations which I ought not entirely to pass over. You have again thought proper to assert, that injuries of great magnitude will arise from the penitents, who, upon leaving the Penitentiary, are placed in pious and respectable families. This objection I have before examined at a considerable length,* and endeavoured to shew its futility, especially as affecting your calculation, to the prejudice of the Charity, in relation to the increase of the sum of moral evil. Although you have not condescended even to notice what I have advanced upon this point, I must nevertheless beg leave to refer you to the "*Remonstrant*" as containing a sufficient answer to your objection, intimating at the same time, that the conduct of those penitents who have left the Charity, and are now fixed "in pious and respectable families," has hitherto tended to corroborate, by the evidence of facts, the arguments which I have there adduced.

Upon this subject much might be said, were it consistent with prudence, that would afford a high degree of gratification to the supporters and friends of the Penitentiary; and, Sir, I trust to you also.—

* Vide "Remonstrant," p. 35—43.

Your predicament, however, is an awkward one, for if EVIL *should* issue from this source, it would seem to *add to your fame* by reflecting credit upon your sagacity! At all events, Sir, you will, in future, find the apostolic precept "*rejoice not in iniquity*," of much more difficult observance than heretofore! The other consideration, to which I have alluded, I shrink from with disgust. It is proper, however, that I should repel the low and injurious insinuation. You say, that the Penitentiary will give an "additional stimulus to lewdness" by "taking off the town females who are diseased, to make room for *others*, more acceptable to the vile appetites of wicked men."* Now, Sir, not to notice that this is equally an objection against the Hospitals in which the disease in question receives a cure, as well as the professional gentlemen who perform it, I beg leave to observe, that, as the Penitentiary selects those females who have been in habits of prostitution but a *short period*, and as the average of those now under its protection does not exceed *eighteen years!* it is evident, that as the *younger* and, therefore, *most enticing* part of the dreadful aggregate is thus removed, the general stimulus which you speak of, instead of being *increased*, is on the contrary materially *diminished!* You observe also that "as far as the knowledge of the Penitentiary extends among men of abandoned characters, it will operate to make

* Vide your "Reply, &c." pp. 88, 89.

them think less of the crime of prostitution, and feel less remorse in the dreadful part they may, in future, take to contribute to its increase;" you further insinuate that a "better plan could not have been devised to stifle their consciences!"* You afterwards call these abandoned men "MONSTERS of SIN," and most disrespectfully assert that the friends of the Penitentiary are the "dupes" of these "*monsters.*" What, Sir, then is it possible to make *such men* think *less* of the crime of prostitution? And is it necessary that a Penitentiary should be established in order to "stifle *their* consciences?" Rather, Sir, if they have consciences *not yet stifled,* and are acquainted with the laudable efforts of that Institution, will it not, by an awful effect of contrast, tend to make them think *more seriously* of the crime in question; especially when they perceive themselves basely employed in counteracting the commendable labours of a number of pious persons, who are associated for the express purpose of rescuing those very females, whom these "monsters of sin" are plunging deeper and deeper into vice, misery, and ruin? When, in the intervals of noise and intemperance, this terrible accusation issues from their yet "*unstifled*" consciences, will they not, Sir, "feel" *greater* instead of "*less* remorse in the dreadful part they may in future take to contribute to its increase?" But, Sir, I would flee from this loathsome and pestiferous subject as

* Vide your "Reply, &c." p. 89.

from a contagion, observing only, that in this part of your pamphlet, there are imputations upon the founders and supporters of the Penitentiary, so grossly foul and injurious, conveyed in language so perfectly nauseous and disgusting, that I would hope, for the credit of your character, you will expunge them from a second edition of it.

But further, Sir, admitting for the sake of argument, what, however, it is impossible for you to prove, viz. that other females actually *do* take the places of those who are received into the Penitentiary, it is obvious that your *inference* against this Institution proves far too much, and is therefore totally invalidated upon this ground also!—For if *this* be a reason for suppressing the Penitentiary, it is a reason equally for the subversion of all Institutions, and the prevention of every effort, the tendency of which is to reclaim and reform criminal persons. For surely nothing can be clearer than that the removal of those who are reclaimed, *by whatever means this be effected,* will make *more room* for others who may be more criminally disposed. But, Sir, in this case you are yourself involved in the very charge which you have brought against the Penitentiary, for you have, in the most unqualified manner, declared, that had the conductors of this Institution adhered to what you call its "professed object," it should have received from you "*every encouragement which it might have been in your power*

to give it."* Sir, I have already shewn that there has been no real deviation from the original plan and design of the Institution; and if, as you rashly assert, there has been, still that deviation would not save you from this dilemma. In either case, the women rescued from vicious courses would make *room for others*, for it would be a mere quibble to suppose that the "professed object" of the Penitentiary did not include the reformation of prostitutes, since all its publications, from the very beginning, invariably demonstrate this to have been its *main design!* It follows, therefore, that this declaration of your "*Address*," is unfortunately not adapted to suit the arguments of your "*Reply;*" and thus, Sir, you are involved in an engagement to promote with "*all your power*," an Institution, which according to *your* opinion augments the evil which it was established to diminish, "and is a most fatal violation of the laws of God and man!" Thus, Sir, it generally happens when a writer attempts to maintain any hypothesis which violates the common reason and feelings of mankind. In spite of the artifices by which he endeavours to impose upon himself, he still in reality reasons and feels like them. Under such circumstances it is, indeed, a difficult task to preserve consistency. It requires a dexterity to which you, Sir, do not yet appear to have attained. In *argument*, as in *evidence*, when error or falshood is to be sup-

* Vide your "Address, &c." p. 11.

ported, a man is in perpetual danger of convicting himself.

Upon the whole then, Sir, it appears that I am entitled to the full benefit of my original calculation, viz. that society by means of the Penitentiary derives all the positive advantage resulting from *seventy* reformed females, out of the *hundred*, whom you suppose to be received into that Institution, and that the relapse of the remaining *thirty* into vice (if indeed they can effect their retreat, "the market (as you say) being *overstocked!*") can only be regarded as a *deduction* from *the whole aggregate amount of good*, which the Penitentiary *aimed* to accomplish. To the sum of *moral good* arising from the *seventy* females who are reformed, and who, according to the supposition, *do not* relapse, must be added the individual and social benefit which may ultimately arise from the moral and religious impressions which are made by the Penitentiary upon the minds of those who *do!* Nor must the *negative* advantage, which the community obtains, by means of the diminution of evil that necessarily results from the actual reform of every vicious character, be omitted in this statement. And then, Sir, as to the *eternal good* that is obtained by those who become *genuinely pious women*, and, which, through their instrumentality, may be communicated to others also, *this* infinitely and inconceivably transcends all the abstract calculations of mere temporary and social

advantage, and must excite in the unprejudiced mind, which contemplates it, not only a sentiment of pleasing approbation, but emotions of elevated delight, gratitude and joy!

Having endeavoured to shew, that all the arguments, by which you attempt to prove that the Penitentiary will increase the sum of prostitution, are totally unfounded, I shall now briefly consider what you say respecting the *absolute increase* of the evil subsequently to the establishment of the *Magdalen*, &c. and you will doubtless, on a moment's reflection, perceive, that this question is perfectly distinct from the preceding one. It appears, however, that, by a singular confusion of ideas, you have blended them together, for you say "it is incumbent upon the supporters of the London Female Penitentiary to shew, that the *numbers of women upon the Town*, have been *reduced in proportion to the numbers taken into the Magdalen, and into the Edinburgh, Bath, and Bristol Penitentiaries;*" and then you ask—"Has *prostitution decreased* in proportion to the *individual good* effected by the Magdalen?" "Has the number of abandoned women *decreased* in *Edinburgh, Bristol* or *Bath*, since similar Institutions were established at those places?" To which questions you reply, "*quite the contrary.*" Well, Sir, and what is the inference? That the evil has been *increased* by these Institutions? Or, that these Institutions have *not diminished* the sum of prostitu-

tion, in proportion to the numerous instances of "individual good" which they have accomplished? Certainly not, for nothing can be clearer than that a real diminution of a particular evil may be effected by the influence of remedial Institutions, although, from the augmented extent and violence of counteracting causes, entirely independent of those Institutions, the *evil* may experience an increase *upon the whole*. Thus as to prostitution, the *absolute amount* thereof may, from the operation of counteracting causes, have increased *since* the foundation of the *Magdalen Hospital*, although, during the same period, there has been an actual diminution *relatively* to the *particular services* of that establishment. If you make the *absolute increase* of an evil, notwithstanding the effect of counteracting Institutions, a reason for abolishing those Institutions, then the increase of criminals in the metropolis, notwithstanding all that the civil authorities can effect, will be a reason for the demolition of our criminal courts! If it be "incumbent upon the supporters of the Penitentiary to show that the total numbers of women of the Town have been *reduced in proportion to the numbers taken into the above mentioned Asylums*," before the utility of that Institution can be demonstrated; then it is incumbent upon the *criminal courts* to shew, that the numbers of felons are decreased in proportion to the numbers imprisoned, transported, or hanged,

before they can prove it to be consistent with sound policy to carry the laws into execution! I believe, Sir, it will be perfectly satisfactory to every candid mind to know, that actual good is done to society, by means of the influence of *terror* in the latter respect, and by that of *mercy* in the former, although it may not be practicable in *either* to determine the quantum of evil produced, in the mean time, by the operation of powerfully counteracting causes. If the evil be still great, it is sufficient to say that it would have been *greater still*, had it not been for the salutary effects of *terror* in the one case, and of *mercy* in the other!

The counteracting causes, as they respect prostitution, which have operated more particularly of late years, are, perhaps, the augmentation and diffusion of wealth, and the consequent increase of luxury and dissipation—the multiplication of manufactories, in which the sexes are imprudently associated together—the unprecedented state of the country in a military point of view—the relaxation of domestic order, discipline, and manners—the inordinate and fatal attention paid to dress and external accomplishments in the education of females, to the exclusion of solid and useful qualifications—the revolutionary principles of *France*, and the infidel doctrines of the new philosophy, which have diffused, more or less, among the various classes of the community, a spirit of independence and insubordination, highly unfavourable to the government of the passions, and

the wholesome restraints of well regulated families—and still more immediately, the obstacles opposed to marriage by the extravagant habits of both sexes, the universal advance of all the articles essential to subsistence and accommodation, and the discouraging and impoverishing effect of the numerous public taxes. You have, however, thought proper to overlook all these considerations, and then to assert that, "so far from prostitution having decreased in proportion to the individual good that has been effected by the Magdalen: the *picture exhibits a dreadful reverse!*" This you say is the case "*even allowing for the increase of population and other physical causes;*" which is as much as to say that the "dreadful reverse" in the state of female prostitution, which has occurred in the metropolis during the last forty years, is imputable to the Magdalen Hospital! To be sure, Sir, this is in *perfect conformity to the main principle of your book*, yet really Sir, when I consider the several moral causes of the increase of this evil, which I have just enumerated, and which you have thought proper entirely to overlook, I feel an irresistible disposition to smile at this conceit. It appears to me, Sir, to bear a close resemblance to the amusing paradox of the Barrister, who assigns *Evangelical preaching* as the cause of the increase of felons, thieves, and pickpockets! and may be pleasantly exposed by the anecdote, of "good old *Latimer*," which a very

powerful antagonist of the *Barrister* has so happily employed against *him*.* Yes, Sir, to impute this "dreadful reverse" in the state of female prostitution to the *Magdalen Hospital*, is to talk like the *old man of Kent*, who thus replied to the inquiry of *Maister Moore*, "I am an old man, Syr, (quod he) and I may remember the building of *Tenterden Steeple*, and I may remember when there was no steeple at all there; and before that *Tenterden steeple* was in building, there was no manner of speaking of any flattes or sandes, that stopped the haven, and *therefore* I think that TENTERDEN STEEPLE IS THE CAUSE of the *destroying and decaying of Sandwich Haven!!!*†

Nay, Sir, the *Kentish man's* idea is the least "absurd" of the two, for every one will surely admit the *neutrality* of Tenterden Steeple; but the Magdalen instead of being "the cause of the destroying and decaying" of female virtue, has been a *real instrument* of restoring thousands of miserable women to honest and useful occupations in society!

From the facts and arguments which I have now laid before you, I think every unprejudiced mind must immediately perceive that the following declaration has no just relevancy to the influence of the Female Penitentiary. "If the scriptures (you say)

* See an excellent "Vindication of Evangelical preaching, in a Letter to a *Barrister*, by John Styles," p. 138.

† Vide Latimer's Sermons, vol. 2. p. 261. Pitcher's edition.

are the result of infinite wisdom, it is impossible that they can be found to recommend any system which will *ultimately* increase the sum of moral evil."* This sentiment, Sir, I cordially approve, and if you can demonstrate that the Penitentiary is of the essential nature of such a system, then certainly it cannot stand on the basis of Divine authority, and must be disavowed of all by whom that authority is regarded. But, Sir, in order to do this, it is indispensibly necessary that you should prove, first, that the sum of moral evil *is* "*ultimately*" increased by means of the Penitentiary; and, secondly, that this supposed increase of moral evil is the result of the *proper tendency and influence* of this Institution, and not an effect of a *perversion* or *abuse* of it. After what I have advanced already in refutation of this objection, I need not repeat that you will in vain attempt to prove either of the above propositions. As to the former, so far as it is a question of *speculation and conjecture*, depending on the supposed *prospective* operation of the Charity, and the *subsequent* injurious influence of the penitents, it is, in the nature of things, impossible to demonstrate it. The question is entirely beyond the grasp and comprehension of human intelligence, and must therefore be incapable of any satisfactory proof from the partial evidence that human observation and experience may supply. But,

* Vide your "Reply," &c. p. 95.

so far as it is a question of plain "tangible" facts, independent of those considerations, the evidence as we have seen, decidedly invalidates your statement. As to the latter proposition, it is as clear as the sun, that the *proper and immediate effects* of the Institution are essentially beneficial; and as to any incidental evils which may arise from an abuse or perversion of it (admitting that evils may so result) these cannot justly be ascribed to the Penitentiary, as I have already repeatedly shewn, and, indeed, as you *yourself*, Sir, acknowledge, for you say, "to argue against ANY Institution from *the abuse of it*, is the MOST UNFAIR of ALL methods of attack!"* As then the *object*, the *means*, and *proper tendency* of the FEMALE PENITENTIARY are unquestionably good, and good also in the highest import of the term, it were contrary to reason and experience, and a reflection upon the MORAL GOVERNOR of the world, to suppose that the "*ultimate*" *issue* will not be *good also*. It is not, therefore, necessary to appeal to the excellence of the object, or to the good resulting from the Charity, in order to "sanctify the *means*" which it employs, since, so far from being "*morally wrong*," those means are both *morally and religiously right*.†

It was natural to expect, that an Institution of this description would soon find resources in the charitable munificence of the metropolis, and ob-

* Vide your "Reply, &c." p. 5. † Ibid. p. 37.

tain, in a peculiar degree, the patronage and support of the religious world. This expectation has been realized, and the supporters of the Penitentiary have done honour to their country, by acting on this occasion, in the true spirit of British and Christian benevolence. Yet, Sir, with singular falshood and illiberality, you have represented them as "*passing by* ALL the DESERVING and AFFLICTED POOR, *in order* to provide a comfortable Asylum for those who are, or who *may hereafter become prostitutes!*"* And is it possible that you should write this sentence, and be unconscious that you were about to publish to the world a most false and injurious assertion? Pray Sir, if the supporters of the Penitentiary "*pass by all the deserving and afflicted poor*," who are those who are chiefly *distinguished* for contributing to their relief? If a plan were formed, according to your suggestion, "for the purpose of relieving poor married women who have families,"† where, Sir, do you imagine Ladies, disposed to carry it into effect, would present themselves in such numbers, as among those very individuals whom you thus illiberally and publicly traduce? Where are Ladies to be found who would enter into a plan of this sort with such alacrity and zeal, and prosecute it with such unwearied perseverance, as those whom you thus involve in public and undeserved censure? Nay, Sir, have not many of

* Vide your "Reply, &c." p. 113. † Ibid. p. 122.

tentiary, *more good* with *less money*, it is only necessary for me to observe, that this argument proves too much, for it follows from hence, that only *one* kind of benevolence should be performed, viz. that of which *most* good could be effected at the *least* expense. With respect to the sums which have been expended on the Penitentiary, and which you represent as a misapplication of the public liberality, I deem it quite sufficient to cite your own words, which, for *other obvious reasons* also, are worthy of particular attention. "I am sensible (say you, speaking of the Penitentiary,) that many will insist upon the wisdom of its principle, because it affords that religious instruction which CANNOT *be obtained in a* WORKHOUSE; as well as on account of *the good that has been done* to some few *reclaimed penitents;* and that these instances will be brought forward, as so many proofs of the *Divine* approbation. I am fully aware, that the worth of one immortal soul, *gained by its admittance into* THIS ASYLUM, is of INFINITELY *more importance* than the aggregate of *all the trouble and* EXPENSE, that CAN POSSIBLY BE LAID OUT UPON THIS INSTITUTION!!"*

It is extraordinary, Sir, that you should have *exclusively* selected the particular Institution, of which you could thus speak so favourably, for the object of your ridicule and hostility. Nor is the

* Vide your "Address, &c," p. 37.

manner in which you have attempted to justify this *preference* much *less* extraordinary. The *Magdalen*, it seems, rejects females in a diseased state. The Penitentiary, on the contrary, proposes to receive them, and for this *assigned* reason, that "as it is in a state of distress and exigency that a *penitent mind* is chiefly to be expected, to refuse the benefits of the Institution to persons in this condition, would be injuriously to circumscribe its utility."* This, Sir, is the first ground of your *exclusive* hostility! Again, the *Penitentiary* offers the penitents "*greater* pecuniary rewards" than the *Magdalen*. The latter Institution it seems "gives *no more* than *one guinea* to any woman," whilst the Penitentiary proposes not only to place its *reclaimed penitents*, "in *safe* and *respectable* situations," but "on *receiving testimony of their good behaviour*, to shew its approbation by *pecuniary rewards*, to be given at the termination of each of the *two* or *three* first years, subsequent to their leaving the Institution."† Really, Sir, you must be a singularly *acute metaphysician*,‡ thus to discern, with even aquiline sagacity, the precise degrees of evil which are respectively produced in the mind of of a female by "*the guinea*" of the *Magdalen*, and the *periodical* "*rewards*" of the *Penitentiary!!* There must be, Sir, a most subtle nicety in your moral discriminations, to enable you to dis-

* Vide Address of the Committee, p. 14.

† Vide your "Reply, &c." p. 20. ‡ Ibid. p. 90.

cover in these two portions of *supposed* evil, an apology for the *former*, and a reason to justify your *exclusive* opposition to the *latter* Institution!! But it seems, also, that the managers of the Penitentiary deem it right to place the penitents "in *safe* and *respectable* situations," that is, as far as possible out of the way of temptation and danger. And does the discreetness of this measure offend you, Sir? Are you then apprehensive, that, if the penitents are placed in *safe* and *respectable* situations, your predictions will not be fulfilled? Would you desire, Sir, in order to contribute to the accomplishment of those predictions, that the Penitentiary should promote the "*relapse*" of the penitents "*into vice*," by placing them in situations which are *unsafe* and *not* "respectable?"!

But you further state as reasons for your *exclusive* opposition to the Penitentiary, that it is "taken up *so strenuously* by *the religious world*, advocated *so warmly* by the MOST *popular* (evangelical) *preachers* of the day, and carried on with *that degree* of enthusiasm, which will *secure* it ample resources,"* and encourage the erection of new similar Institutions. And so, Sir, a CHARITY which comes recommended to you by the *sanction* of the *religious public*, and the ardent eloquence of *evangelical ministers*, and which bids fair for permanence, and extended utility, deserves, *on these accounts*, to be

* Vide your "Address, &c." p. 22.

attacked with *peculiar* and *exclusive* hostility! Why really, Sir, I should have thought that these considerations would, with *you* at least, have been motives for a direct contrary conduct. Pray, Sir, if a public Institution were to be promoted with an uncommon degree of enthusiasm by the *more depraved classes of the community*, would you deem that circumstance, I do not say an auspicious signal of its *beneficial tendency*, but a reason for *selecting* it as the *exclusive object* of your *preference!* Surely not. Why then should not the *sanction* of the *religious public* be regarded, at least, as a *presumptive evidence*, that the Penitentiary is founded upon a *just and beneficial* principle, and as furnishing a reason *against* your *exclusive* hostility, as well as a motive for "waiting the *result* of the *experiment*," which you have thought proper to term "an hazardous one?"

But before I quit this subject, I wish to notice, "in a very pointed manner," the flagrant injustice, of which you are guilty as to the *rewards* given by the Penitentiary; and I think, Sir, you will allow that here is good ground for a suspicion, that your opposition to this Charity has been prompted by something more than a simple disapproval of its principles, or even a dread of its supposed evil consequences. In your first pamphlet you have several times insinuated that the rewards in question, are so

* Vide your "Reply, &c." p. 77.

many "premiums for vice," whilst in your "Reply," you *literally* charge the Penitentiary with the guilt of so criminal an expedient,* and you do this notwithstanding you had been repeatedly told that, so far from being "premiums for crimes, they were *testimonies of approbation, to those whose good behaviour is properly authenticated.*"† But let us now see in what manner you represent the *pecuniary rewards* given by the *Magdalen!* "The governors of this Institution (you say) never promise, nor give more than one guinea to any woman as *an encouragement* for *her good behaviour in servitude!*"‡ Sir, can you read your own declaration, and not instantly feel self-convicted? What then! are the pecuniary presents given by the Magdalen, "*encouragements for good behaviour,*" and those given by the Penitentiary "*premiums for vice*"*!!!*§ What Sir! Is there no partiality *here?* Is there no injustice? Is there nothing which casts a cloud of suspicion upon your motives? Is there nothing which makes your exclusive hostility against the Penitentiary appear in a dishonourable light? Is this Sir, another specimen of *your ideas* upon the subject of "*distributive*" *justice?* Never, surely was a writer so much exposed to the just severity of critical chastisement as you Sir! But I will spare you notwithstanding, and

* Vide your "Reply," &c. p.
† Vide Remonstrant, p. 17.
‡ Vide your "Reply, &c." p. 90. § Ibid. p. 9.

cherish a hope, after all, that these trespasses are less imputable to your *heart* than to your *understanding*. As, however, you have thus inadvertently granted all that I can wish to establish upon this point, viz. that pecuniary rewards *may* be given to *penitents* as "*an encouragement* for *their good behaviour in servitude!*" there can be no necessity for my entering into the question whether or not the proposal of rewards be a wise and legitimate method of exciting moral emulation. I shall, therefore, content myself merely with observing, that *the principle* has been sanctioned, not only by the common reason and universal practice of all ages, but also by the ordinations of the Divine economy itself, under both the Jewish and Christian dispensations.

You say that all your antagonists have called upon you for *actual proof* of the "dangerous tendency" of the Penitentiary, and you tell *Dr. Hawker* that a position which requires such proof to "substantiate the charge of *dangerous tendency* is wholly untenable!"* You further observe, that as we "are allowed to reason from *analogy*, it is obvious that to *wait* for the "*result* of the experiment," is not necessary to the forming a right judgment of the *tendency* of the Penitentiary!†" And pray, Sir, what in this case *is* the "*analogy from which we are allowed to reason?*" Is it not to be found in the *tendency and effects* of the Mag-

* Vide your "Reply, &c." p. 76. † Ibid. p. 77.

dalen, and such like establishments? It is very true that "if penal laws were abolished, society would be totally subverted;" and that if "domestic discipline is neglected, disobedience will follow as the natural result:" but what has all this to do with the subject? These general, and, in themselves, very very just, observations may suggest analogies to *politicians* in the government of states, and to *parents* in the management of their families, but they suggest no *analogy*, which can authorize a conclusion that the tendency of the Penitentiary is a dangerous one. If this Institution be considered as a repetition of those "*experiments upon human nature*," which have already been made by the Magdalen Hospital, and by Institutions of a similar nature, then those establishments furnish the ONLY "*analogy from which we are allowed to reason.*" But if you regard the Penitentiary as an *original* and *exclusive* "experiment upon human nature," (and this is what you assert it to be*) then it is evident that no *analogy* from which we can *be allowed to reason* exists, and, therefore, if the *tendency* of the Penitentiary can be proved only *by* analogy; then it follows, notwithstanding your assertion to the contrary, that it *is* "necessary to the forming a *right judgment* relative to that tendency, to wait for the *result* of the experiment."† It is scarcely necessary for me to add here, that so far as the *Magdalen*, &c. furnish the analogy, then the evidence is *all* in

* Vide your "Reply, &c." p. 15. † Ibid. p. 77.

favour of the Penitentiary, and against the "*dangerous tendency;*" and if the Penitentiary be regarded as an *original* "experiment on human nature," then, as the process hitherto has been auspicious, the evidence of its utility may be found in the authentic records of the Charity itself, which I understand, Sir, you have not yet summoned courage to examine.

But, Sir, I should not only mortify but fatigue you, were I to expose all the fallacious assertions of your "Reply." There is, indeed, scarcely a paragraph in it, which does not contain some mistake more or less egregious; so that it will be more necessary than ever, that you should fortify your confidence by the sentiments of others. There is some danger, however, lest the *approbation* of your admirers should transport you into new difficulties, for you appear to regard it as an absolute *test* of truth! You seem to think, that it would be an extraordinary phenomenon if you should be in error, *because* several *worthy and respectable* individuals *are of your opinion*, and, accordingly ask, with singular acuteness and knowledge of the world, "*How is it* if I am wrong that so many *great* and *good* men agree with me?"* Sir, I will relieve you in this perplexity. Because "great and good men" are *not infallible!* Besides, Sir, every one is not qualified to determine what men are good AND *great!*

* Vide your "Reply, &c." p. 7.

I now pass on to notice the *spirit* in which you have conducted your hostility against the Penitentiary. It has given me indeed, Sir, real concern to observe, in both your pamphlets, *not* the calm and dispassionate tone of a man, who, in the modest exercise of a virtuous energy, is anxious to promote the amelioration of social morals; but rather a temper too much resembling that of a mortified and exasperated objector. Considering, Sir, that your sentiments were announced as those of *an individual* only,* and that these sentiments were repugnant to the feelings of serious christians in general, and to those of the community at large, it certainly was incumbent upon you to state them to the public with peculiar modesty and diffidence. For the same reasons it behoved you, also, to prepare your mind for opposition, and much more for a refusal, on the part of others, to adopt them, or to give them them circulation which you might require. And, instead of manifesting resentment against those who counteracted your wishes in these respects, you should rather have commended the caution which induced them to refuse their countenance to a *plausible speculation*, the evident design of which was to subvert an Institution of solid, practical good. What? it might reasonably have been asked—'What are those

* "I feel (you say) in this instance that I stand *alone*, because I have attacked the principle of an Institution which at this very time, is the most popular with christians of *every denomination*." Vide your "Address, &c." p. 68.

pre-eminent qualifications which ought to command an immediate deference to the opinion of Mr. Hale upon any question, much more upon one, concerning which, scarcely a dissentient voice is heard in any part of the metropolis?' Besides, Sir, when it is considered that the individuals who conduct, patronise, and support the Institution which you have thus opposed, are persons whom you acknowledge to possess a respectability of the highest kind, and that they were prosecuting an object universally allowed to be benevolent, the display of such a spirit appears more peculiarly reprehensible. I think, Sir, it is impossible for you to read your own publications, and not be convinced that they have a tendency to cast undeserved odium upon the managers and supporters of the Penitentiary, as well as upon the conductors of the *Evangelical Magazine*. Considering, Sir, what the character and influence of these individuals are, and in what manner you have treated them, it surely very ill became *you* to accuse me of "putting weapons into the hands of the *Barrister*," even supposing that I were justly exposed to the charge; and I am not at all surprised that, even when writing your first pamphlet, you had "*too much* reason to fear that it would not be *well received* by *many* whom you love and esteem!"* To me, Sir, it appears, after the most impartial and temperate consideration of your conduct, that you

* Vide your "Address, &c." p. 67.

have been as deeply mortified by the opposition which your sentiments have met with from some, as you have been inordinately elated by the approbation which they have received from others. It is by adverting, perhaps, to the irritation of your feelings which that opposition may have excited, that we may be able to account for the ungracious spirit and manner which are so conspicuous in your publications. And here, also, I am inclined to believe we shall discover the real cause of your exclusive hostility against the Penitentiary—of your heaping upon the supporters of that Institution *only*, all the odium of what you, yourself, assert to be an error *universally adopted*—of your refusing to imitate the calmness of the philosopher, and the meekness of the christian, in a temperate discussion of the abstract principle—but preferring rather to conduct the attack in such a manner, as would enable you to annoy persons, whilst you were attacking principles; and to excite a prejudice against a multitude of the most exemplary characters, of both sexes, which the metropolis contains. Now, Sir, I appeal to yourself whether it would not have been the more prudent and honourable course, to have discussed the *abstract principle* and *general policy* of Penitentiaries, independently of all particular charities whatever. Your arguments, in this case, would have been entitled to more respect, and have received, perhaps, a more dispassionate examination. For

whatever the *fact may be*, they would at least, have *appeared* to proceed from a writer, whose mind was not inflamed by resentment, and whose motives were not liable to suspicion.

I am fully sensible of your having repeatedly declared your conviction, that the supporters of the Penitentiary are actuated by the "*purest intentions*." I am aware, also, that you have done occasional homage to the excellence of their general character. This is all very true, but then it only aggravates your fault. The sentiments which you thus entertained in *their favour*, ought to have induced you to repress that spirit, and to expunge those passages which render your books so highly reprehensible. Some of these passages I have already noticed. But as I am disposed to spare your feelings, I shall, at present, content myself with a general allusion to the others. I hope, Sir, that you will not make it necessary for me to lay them *all* before the public, accompanied by that just severity of animadversion which they so loudly demand. I am, indeed, persuaded that, in every point of view, it will be your truest wisdom to court obscurity. I say not this, Sir, from any apprehension concerning the solidity of the ground on which I stand, being more and more firmly convinced that it is as firm as a rock. The main points, however, in the discussion, being now before the public, I presume that the final determination of the con-

troversy may safely be referred to its tribunal. Should the verdict be given against you, perhaps, Sir, the following consideration may yield you some relief. As your pamphlets have met with the approbation of "many reverend gentlemen whose *matured judgments* stamp a veneration upon their opinions"* you can suffer little in your reputation by having adopted an hypothesis which has received the venerable sanction of such characters—whilst you will still retain the credit of having controuled their "matured judgments" by the imposing and forcible manner in which you have treated a subject in itself untenable.

That it is *untenable* I hope, Sir, both you and the public will be thoroughly convinced by the arguments of these pages—arguments which owe their force less to the ability of the writer, than to the strength of the cause which he has defended. I have shewn, I think, to the entire satisfaction of every candid and unprejudiced mind, that your *representations are false*, your *statements incorrect*, and your *principles fundamentally and radically erroneous*. I have endeavoured to meet your arguments fully, and to examine them impartially, and I am not conscious that the slightest tincture of malevolent asperity has mingled with my animadversions. Whether, therefore, you acknowledge me to be a

* Vide your "Reply, &c." p. 6.

successful adversary or not, I, at least, hope that you will esteem me to be an honourable one.

But whatever may be my own opinion of the arguments of this Letter, the little acquaintance that I have with human nature will not permit me to entertain any very sanguine expectations of their effect upon *your* mind. I know something of the force of prejudice and prepossession, and can form a tolerable idea of the strength of the armour in which you, Sir, are incased. The opinions which you have propagated are, to a certain extent, exclusively *your own*. You have asserted them with confidence. You have published them to the world. You have repeatedly affirmed that they are incapable of refutation. You have boasted of victory. You have held your antagonists at defiance! It would be unreasonable, Sir, to expect that you should burst all these bands without oft-repeated and long-continued struggles!

But I cannot conclude this Letter without turning your attention to a consideration of very solemn and momentous import. Pray Sir, have you ever retired and considered thus with yourself, 'What will be *the consequences of my success*? Perhaps I may be deceived by the speciousness of my opinions. *My* judgment, like the judgments of other men, is fallible. I *may* be in an error. The plans of the Penitentiary *may* ultimately prove as beneficial as the intentions of its supporters are

pure. It is wise to be on the safe side. Should my attempts prove *fatally* successful, even my own views may change. Shall I be able to bear my own reflections should such events occur? May they not inflict many a severe pang upon my heart? May they not disturb the tranquillity of many, otherwise, peaceful hours, and cast even a cloud upon the closing scene of my life?'—If such thoughts as these *have* occurred to you, they seem Sir, to have made but a slight impression upon your mind, for you say, "the more I reflect upon the subject, the more I am convinced of the truth of the sentiments I have advanced, and *if I am not much deceived*, it will afford me peculiar satisfaction to the *latest period* of my existence that I have been *the* instrument of warning the public against the baneful influence of the Penitentiary."* Indeed, Sir! and would it then give you "*peculiar* satisfaction" upon *a dying bed*, that you "had been THE *Instrument*" of "*shutting the gates of mercy*" upon multitudes of your perishing fellow-creatures; that you had fatally interposed to prevent their rescue from vice, and blocked up an avenue through which they might have returned to a condition of honest and virtuous life? Would it in that awful hour, when both the preception and sensibility of the conscience may be inconceivably quickened, and eternity is opening upon you—

* Vide your "Reply, &c." p. 6.

would it *then* give you "*peculiar* satisfaction" that you had been "THE *Instrument*" of suppressing an Asylum, where multitudes of perishing females might have heard the sound of that gospel, by means of which, the *fornicators* of CORINTH * became holy members of a christian church? Would it at that solemn period give you "*peculiar* satisfaction" that you had diminished the joy of "the angels in heaven" who rejoice "over one *sinner* that repenteth more than over ninety and nine just persons?" Would you congratulate yourself *then*, Sir, that, had it not been for your "misguided zeal" and baneful interposition, hundreds, yea thousands, of finally ruined females might have been celebrating with the *Harlot of Nain*, the riches of that grace,† the virtue of that blood,‡ and the efficacy of that power, § by which the "*chief of sinners*" may be restored to religion, to holiness, and to God? No, Sir, it is utterly impossible—and the *misgiving of heart*, which you even now betray, by the words "*if I am not much deceived*," ‖ is an ominous prognostic of the emotions with which, at that awful season, you would contemplate the fatal success of your attempt! You would *then* wish, Sir, that writings of such a "*dangerous tendency*" as yours, were buried in the "*Vault of the Capulets*," or any other vault, that might for ever entomb them

* Vide 1 Cor. vi. 9, 10, 11. † Ephes. ii. 7.
‡ 1 John i. 7. § Ephes. i. 19. ‖ Vide your "Reply," p. 6.

in oblivion—whilst your "only consolations"* might be, that, although your "zeal" was "misguided," your motives were good, and that you were not out of the reach of *that* MERCY from which you had been "THE INSTRUMENT" of *excluding others!*

I remain,

With sentiments of sincere esteem,

Sir,

Your obedient humble Servant,

G. HODSON.

Pentonville, 22d August, 1809.

* Vide your "Reply, &c." p. 105.

ERRATA.

Page 25. line 5. from bottom, *for* respite *read* respects
32. — 7. *after* in *read* almost
33. — 5. *for* are *read* have been
46. — 1. in note, *after* &c., *insert* p. 54.
43. — 5. *for* benefitted *read* benefited
45. — 17. *for* "a seduced female" *read* "seduced females"
47. — 16. *after* assert, *insert* that
48. — 5. *after* who, *read* there is good reason to believe
49. — bottom line, *for* may *read* might
53. — 9 *for* that *read* an
52. — 6. *for* Gentleman *read* Gentlemen
54. — 11. *after* others, *insert*, which is a perfectly distinct consideration
62. — 1. *for* and *read for*
68. — 17. after as, insert against
68. — 13. *dele* suit.
76. — Note, for Ibid, *read* Vide "Address, &c."
77. — 9. *after* poor, and *before* for, line 10 *insert* inverted commas
78. — 14. *for* are *read* is
— — Note, *after* all, *read* of

A LETTER

ON THE

INADEQUACY OF THE POOR LAWS

FOR

EMPLOYING, PROTECTING, & RECLAIMING

UNFORTUNATE FEMALES

DESTITUTE OF WORK;

IN ANSWER TO Mr. HALE's REPLY.

BY WILLIAM BLAIR, ESQ.

Surgeon of the Lock Hospital and Asylum, the London Female Penitentiary, the Bloomsbury Dispensary, and New Rupture Society, &c. Member of the Royal College of Surgeons, and of the Medical Societies of London, Paris, Brussels, Aberdeen, &c. &c. &c.

A LETTER, &c.*

MY DEAR SIR,

HAVING learnt that you are preparing for the Press a few strictures on Mr. Hale's "*reply to the pamphlets lately published in defence of the London Female Penitentiary*," I submit to your consideration and disposal the following cursory thoughts on that Gentleman's "application of the parochial laws," which constitutes a striking and prominent feature in this controversy. I abstain from offering you any observations on the other parts of Mr. Hale's reply, as I have no desire either to anticipate your own remarks, or to increase the number of separate publications respecting the Penitentiary; besides which, I do not feel myself particularly called upon to notice any portion of Mr. Hale's rejoinder, except that which, (in opposition to me,) he has been pleased to boast of, as clearly sanctioned and proved by the statutes, as well as by the daily practice of our police magistrates!

"Now here," says he, "we are fairly at issue. I will produce my proofs, and the public will form their own opinion. I AGAIN declare, that the *whole* of what I advanced upon this head, is *clearly* laid down in our parochial laws, and daily acted upon in our courts of justice. Among the various answers that appeared to my pamphlet, there was *only one* gentleman who attempted to dispute the universal application of the parochial laws, as I had laid them down: they all begged the question,

* I understand that Mr. Blair is preparing a work for the press, in which this part of his subject will be handled more at large: viz. "On the means of preventing female prostitution and indigence; with remarks on the management of parochial workhouses, and on the application of the poor laws for the relief, employment, and protection of necessitous young women."—G. H.

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or admitted the fact, except MR. BLAIR. This gentleman cannot be supposed to possess much information upon the subject, as his profession has always exonerated him from procuring that knowledge which can only be acquired by practical observation. From this circumstance alone, Mr. Blair was, of all others, THE MOST UNFIT to dispute the point; and his TOTAL IGNORANCE of parish business can only be exceeded by the ostentatious manner in which he has made it known. However, this gentleman, with a vanity peculiar to himself has given a flat denial to the whole of what I advanced on this head! The laws, with respect to the *prompt admission* of the most despicable characters into the Workhouse, is so clear and explicit, that it has never been doubted by any who have perused the statutes, or had the least experience in parochial affairs. Now against this weight of evidence" (Mr. Hale asks, after producing his proofs) "what has Mr. Blair to offer in support of his opinion? He has, to be sure, in a very dogmatical manner, declared that I am wrong; but he has not supported his assertions by any legal evidence, nor has he referred to one single statute in their defence."

"I conceive it to be a matter of considerable importance, for the public to be correctly informed, that no woman, however desperate her character, is under the necessity of continuing in prostitution a *single hour*, to procure her daily support; and that all the appeals to the passions in favour of the Female Penitentiary, stating an opposite sentiment, are founded upon erroneous notions.—*Workhouses afford a prompt admission to every female* who has deviated from the paths of virtue, as well as to the detestable prostitute; and, if the religious world will but do their duty, Workhouses would no longer be what they have represented them; and which, to their shame be it spoken, can be traced to their flagrant neglect.—I shewed that NO ONE is compelled to continue in prostitution A SINGLE HOUR, for a maintenance; because the law provides INSTANT RELIEF, for all those who are destitute of the lawful means to procure their support.—As it respects parochial concerns, the legislature has manifested consummate wisdom in this branch of political economy; and the advocates of the Penitentiary ought

to be ashamed of their conduct, in attempting to justify the necessity of that asylum, under the too common, though mistaken plea, that our statutes are inadequate to lessen the sum of prostitution.—In all their addresses to the public, recommending this asylum, they have made appeals to the passions, by representing prostitutes as being detained in that awful state by a horrid necessity, from which they had no probable, no possible retreat; and as longing to escape from a life of such infamy, whilst, nevertheless, they were constrained to pursue it for their daily support. These assertions, are all founded in error; and I have NOW FULLY PROVED that no one is under the necessity to continue in prostitution a single hour to procure her daily support: consequently this appeal in favour of the Penitentiary falls to the ground.—From this view of the subject, many who before approved of the Female Penitentiary, because they thought the wretched prostitutes were obliged to continue their infamous career, or perish in the streets, were now convinced of the *impropriety of establishing that Institution.*"

I have thus distinctly and unequivocally brought forward the exact sentiments of Mr. Hale, collected from different parts of this "Reply," to demonstrate the precise nature and bearing of his argument. It was necessary to do so, although at the risk of tiring you with repetitions; because he complains (without reason, I think) of having been formerly "*exhibited to the public, as saying what he never said, and asserting principles the very opposite to what he felt,*" p. 6. I next shall proceed to adduce some of his "EVIDENCES" in support of these observations, contained between the 24th and 41st pages of his "Reply."

At the conclusion I hope it will appear, that "he is deceived by his own vain opinion, and that an evil suspicion hath overthrown his judgment." Ecclus. iii. 24. Far be it from me to accuse him of any base motives in perverting the truth: but I certainly think the discerning public will not give to Mr. Hale ALL the credit which he arrogates to himself, for superior knowledge of the parochial laws, and of their daily application among parish officers, &c. Even if it were true that the laws themselves authorize and require "prompt admission" to every applicant at the Workhouses, Mr. Hale ought to have proved

that indigent women applying were *actually* admitted without hesitation or delay, in order to establish his assertions; nay more, he ought to have shewn that loose females received into Workhouses are *generally* protected, instructed, trained to habits of industry, and sent out better members of society than they were before their admission: for, unless this be really the fact, it is not worth disputing about, whether they be or be not "promptly" received into these "NURSERIES and SCHOOLS OF VICE," as Mr. Colquhoun (in his treatise on Indigence, pp. 226, 270.) deservedly names them!

If in any part of my former answer to Mr. Hale, it should appear to impartial judges, that I have treated him with undue severity, or used language not becoming a gentleman, for this I most sincerely beg his pardon: but, I trust Sir, that the surmises and charges of the author on these points are ill founded; especially, as he does not in distinct terms allude to the offensive passages contained in my pamphlet, which he calls—"dogmatical"—"ostentatious"—"illiberal"—"vindictive"—"acrimonious"—"cruel"—"unjust"—"low abuse"—and "calumny." I shall not, in return, bring any such "railing accusations" against him; and most ardently do I wish, that none of the writers in so charitable a cause may "*forget the common decencies and manners of christians or gentlemen*," agreeably to what I suggested in my late defence of the Penitentiary, p. 6.

Let me now re-call your attention to Mr. Hale's "EVIDENCES" and "PROOFS." He says, p. 24, "To the assertion" of the friends of this Institution, "that multitudes whose hearts revolted at the dreadful necessity of continuing in prostitution, were constrained to pursue it for their daily support—I replied by declaring that there was no necessity for any one woman, however desperate her character, to continue in prostitution a single hour to procure her daily support. I explained this by observing, that in every parish within the bills of mortality, there is a Workhouse, or some sort of apartment that answers the same purpose; THE DESIGN OF WHICH IS TO AFFORD A PROMPT ADMISSION, AND THUS PROVIDE FOR THE IMMEDIATE WANTS OF ALL WHO ARE DESTITUTE OF THE LAWFUL MEANS TO PROCURE THEIR DAILY BREAD."

To this bold declaration of Mr. Hale concerning the "design" of Workhouses, I reply, *That* could never be the "design" of parliament in establishing Workhouses, which almost every body might know was totally impracticable and absurd. If all those who could not "procure daily bread" by fair and reputable means, were intended and required by the legislature to be admitted "promptly" into Workhouses, for their "immediate" relief and maintenance; then, I presume, these receptacles should have been built large enough to contain all such necessitous persons, who might possibly seek for admission. But, without speaking of the tens of thousands of culprits, vagrants, and servants destitute of work, who on this principle might claim admission; I ask if half, or even one fourth of the unhappy females infesting the streets of London, could possibly be received in addition to the other paupers? Was that the "design" of Workhouses which, if it had entered into the contemplation of the founders of them, they knew assuredly could never be carried into effect? How many people can actually and *bona fide* be crowded together in the London Workhouses? When they lie three in a bed, as is common during winter, barely 17,000 adults and children can be thus accomodated in above sixty Workhouses belonging to this metropolis. According to the parliamentary returns of 1803, it appears that 86,120 poor persons were relieved that year in London, out of a population, conformably to the returns of 1801, amounting to 864,845 individuals. Of these 86,120 paupers, there were 14,746 lodged and maintained in the Workhouses, at an expence of £14. 18s. 3½*d.* per head for the year; and also 21,877 relieved out of the Workhouses, at the moderate charge of about £2. 15*s.* each person per annum; besides whom, 33,187 were relieved occasionally, at an expence of £1. 5; and 16,310 more received aid to the amount of two shillings each, as extra-pasishioners, supposed to be vagrants. *See the Returns, printed in* 1804.

Now, Sir, it is evident that if, when the Workhouses are too full, only 17,000 can possibly be received, (and of this number nearly half are under fourteen years of age,) it could never have been the original "design" as it most certainly is not the present practice, to admit *all* paupers who apply. It is equally unques-

tunable, "that many thousand cases" annually "occur, where half famished families cannot obtain an Asylum in their parish Workhouse *for want of room;* and that the proportion of those who are relieved at their own dwellings, is nearly *four to one.* Hence it follows, as a clear proposition, that there ever has been, *and always must be,* a very large proportion of the poor of the metropolis who can derive no benefit from the maintenance afforded in the parish Workhouse."*

From the above statement of facts, which I defy Mr. Hale to invalidate, you will plainly see that the existing houses of industry neither were, nor ever can be, considered as receptacles for all the poor who may desire to cast themselves upon the parishes to which they belong; and moreover, that if every helpless widow, deserted orphan, aged and sick person, with all the other cases of distress, were turned out of the sixty-three Workhouses in London and its vicinity, the numerous unprotected women of the town, who might (on Mr. Hale's principle) be entitled to demand "prompt admission," could not even then be received, although the parish officers themselves were willing to afford that accommodation. When it is remembered, Sir, that the average expence of maintaining a poor person in the Workhouse is £14. 18*s.* 3½*d.* per annum, and that a few shillings for an out-door pauper might suffice in most cases of healthy prostitutes applying, it is not reasonable to suppose our parochial officers would be so imprudent and extravagant as to burden their parishes in such an intolerable manner, without very urgent necessity and the strongest sanction. From this account, I therefore think it clear that Mr. Hale must be under a gross mistake in imagining any police or city Magistrate would, as a matter of course, compel overseers and churchwardens to maintain unfortunate women, (although penitents,) who are in full health!

But, let us observe how the author reasons on this subject, and by what proofs he sustains his argument:—

P. 25. "I further observed" says he "that if any such female went to any parish officer within the precinct of this metropo-

* The above calculation will be found to differ *a little* from that which is contained in a report of Dr. Garthshore and Patrick Colquhoun, Esq. to the society for bettering the condition of the poor, on the expediency of establishing a Dispensary comprising a dietetic regimen, besides Medicines; dated Feb. 3. 1809.

lis, acknowledging that she had been an unfortunate woman of the town, that she longed to escape from a life of such infamy, but had no other means of procuring her daily support; I asserted, that there was no woman of this description whose application would not *immediately procure a prompt admission to the Workhouse, and care would be taken of her, until some method was devised, for her being restored as a useful member of society.*"

I presume it to be Mr. Hale's meaning, that due exertions would be employed by the officers and superintendants of the poor, for her instruction, discipline, advice, and good management, especially as it concerns her moral and religious state, in order that she might become "a useful member of society:" for, unless pains were taken to initiate her into the doctrines, the principles, and the practice of christianity, in vain would be the expectation of "restoring" her by any other means. But, whether indeed there be any such established system of good order and tuition in Workhouses, Mr. Hale is wise in not telling us; or rather, I should say, he has obliquely acknowledged that there is no system of the kind in most of our Workhouses.

"Supposing, however, the possibility of a denial," a supposition very admissible from experience, "and that there might be an individual who discovered such a dereliction of duty as to pay no regard to her request," Mr. Hale proceeds to observe, p. 26, "that still she had a refuge to go to; which was, to apply to the nearest magistrate, who far from turning a deaf ear to her miserable situation, would *instantly* summon the parish officer before him, insist upon an *immediate* attention to her application, and severely reprimand him for such flagrant neglect." Mr. Hale, perhaps, may not know that the greatest proportion of loose women belong to country-parishes, or have no legal settlements; and consequently, that the "*immediate*" command to relieve a person does not necessarily follow, on an application being made to a magistrate under the supposed circumstances; nor would the officers who refused parochial relief be "instantly summoned" by the magistrate, without the previous forms being attended to, of administering an oath to the applicant, and making out a declaration that "she is very poor and impotent, and *not able to work.*" (See p. 16 of my

late pamphlet, containing the form of an order for maintenance copied from Burn's Justice of Peace.) The necessary examinations alone would consume the "*single hour*" during which Mr. Hale affirms "there was no necessity for her to continue in prostitution;" and most probably many days, or even weeks, might be spent in "applying for relief to the parishioners at a vestry or public meeting," as well as by sundry private inquiries made previously!

When every difficulty has been surmounted, which, however, will not often be the case, let us suppose the magistrate to be desirous of sending this supplicant into a Workhouse, in spite of the parish officers' unwillingness: could he infallibly gain her an admission, if there was no room? would he insist on a "prompt" admission, if the officers allowed her immediate temporary relief in money only? might not the woman be suspected by the magistrate as well as by the overseers, to be an impostor who only pretended "that she longs to escape from a life of infamy;" and would not this suspicion operate against the eligibility of an absolute order for her admission and permanent support? These contingencies and doubts, you must perceive, in a great multitude of cases, will strongly militate against the supposition of Mr. Hale, that every applicant must necessarily obtain "prompt admission" by an "immediate" order from "the nearest magistrate."

He says truly, p. 24, "It will be in the recollection of all who have attended to this controversy, that this was the first point on which we differed;" and I am free to confess, that we differed here indeed very widely! What then can be the author's meaning, at page 52 of his "Reply," where he uses this unqualified language, flatly contradicting the former remark? "In taking a view of the arguments (if, by courtesy, they may be called such) of those who have defended the Penitentiary, it will be seen they have ALL *admitted the very fact that I am here contending for*, viz.—That there is *no* necessity for any *one* woman, however desperate her character, to continue in prostitution a single hour, to procure her daily support." After this quotation, let not Mr. H. again assume to himself a remarkably large portion of fairness, integrity, and justice, for

above that of his opponents, in re-stating the points at issue. Let him not again declare, p. 6. "They have ALL taken the most unfair methods of misrepresentation; they have exhibited me to the public, as saying what I never said, and asserting principles the very opposite to what I felt, &c."

He goes on to say, p. 27. "Mr. Blair, with a vanity peculiar to himself (and at p. 136, *with a rashness peculiar to himself,*) has given a flat denial to the whole of what I had advanced;" and then quotes some of my words, respecting the duties of overseers and magistrates.—My opinion was thus expressed:*

"Most assuredly the laws of the land have provided for those who, through unavoidable indigence, arising from tender years, ill health, decrepitude, or mental incapacity, are in danger of perishing." But, I alleged, "an officer has no right to burden his fellow parishioners with the maintenance of people who are not *physically* as well as morally unable to supply their daily wants by honest and diligent labour." I stated that "the poor laws do not authorise him to admit, or provide for those *who are in health;* and that those who are sick must be discharged from the poor-house directly after their recovery." I urged, as a reason for putting this construction upon the laws, that "if only half the outcasts and abandoned members of society, *who are in health*, were to solicit prompt admission into the Workhouses, it would soon be found impossible to receive them on account of their immense numbers." I quoted, p. 75, the words of Sir Frederick Eden, (which were approved by Mr. Malthus,) who doubted "whether any *right*, the gratification of which seems impracticable, can be said to exist." In reply to Mr. Hale's idea of overseers and churchwardens being compellable by the magistrates, to receive and maintain all such "*able bodied people in health*," I affirmed, that "no magistrate dares to exercise any power which is withheld by the law; and that he is not empowered by any act of the legislature to compel parochial officers, when solicited *by able bodied people in health*, to receive them immediately into a Workhouse, and maintain them at the parish expense: consequently, that all the abandoned street-walkers in the purlieus of St. Giles's or Wapping

* Prostitutes reclaimed and penitents protected, pp. 13—22

might cry aloud for daily bread, at the door of an overseer; yet he could not legally afford them the *permanent* relief they demanded; nor could any magistrate punish him for a dereliction of duty, unless they were disabled or impotent. If the law were constituted otherwise," I remarked, "as overseers cannot easily discriminate between hardened impostors and sincere penitents, that they would burthen their parishes tenfold more than could ever be endured, and idleness would consume the produce of industry."

These observations had all along respect, not to temporary and casual relief, but to the "permanent" aid required by Mr. Hale's theory; which goes on the assumption of parochial officers being unreservedly commanded by the laws of the land to give lodging, protection, and constant support to those who, through moral turpitude and loss of character alone, were unable to find employment. I insisted, that without a good name and fair moral character to recommend a woman, "she may in vain be healthy, active, ingenious, and willing to labour with her hands:" but still farther to illustrate my statements, I mentioned, "from the evidence of different women, that the superintendants of Workhouses *generally* refuse to admit females of bad character, unless they are diseased or unable to work;" and I exemplified these observations by several cases of women who had been so refused, and were then in the Penitentiary. "Upon the whole therefore" I concluded, that "it is evident Mr. Hale is grossly mistaken respecting the facilities afforded to loose women in health, who might wish to reform, and cultivate habits of orderly living."

Mr. H. now tells us, in his "Reply," that I have produced no legal evidence or statute in defence of these opinions.—True; because I considered the *onus probandi* as resting wholly on this gentleman himself, who maintained the affirmative, and had given nothing to the public besides his bare *ipse dixit!* My objections were purely negative, "denying, (Mr. H. observes rightly) the whole of what he had advanced;" and it was left for him to bring forward his proofs, which at length he has attempted after six months further deliberation!!! These proofs shall now be examined in detail, and perhaps may even be

refuted, and shewn to be wholly fallacious. "Here we are fairly at issue;" and, as Mr. Hale has remarked, in a tone of triumph, "the public cannot be at a loss to ascertain which of us is right." p. 34.

His proofs consist of materials drawn from the Statutes, and of the practical comments afforded by our police magistrates in their daily business. But, the whole of his extracts from the Statute book, if we determine by the use made of inverted commas, denoting a quotation, is comprised in less than three lines, at the top of p. 31. This reminds me of the mountain in labour, which brought forth only a mouse!!! However, by the help of false glosses, and egregious perversions of the text, Mr. Hale contrives to dilate his legal matter into three pages. The first Statute referred to, is the celebrated 43d of Elizabeth, which never was and never can be fully acted upon, because it is universally felt to be in a high degree impracticable. "In perusing the great outlines of this act," says our author, "we shall find no provision made for pecuniary relief, but to such of the poor as are *impotent, lame, blind, and unable to work:* but then for all the others, who (as Mr. Blair describes them) *are able bodied people in health*, and yet, from loss of character, or want of employment, have no immediate means to procure a lawful maintenance, this act commands the overseers to set them to work, by purchasing raw materials for that purpose." See *Reply*, p. 29.

By the concession of Mr. Hale himself, it is then manifest, 1st, That no relief can be claimed under this act by persons who are *able to work;* and therefore healthy prostitutes cannot have any claim, as I expressly stated: 2dly, That, whereas no Workhouses were at that time in existence through all England, setting *able-bodied people* to work upon the materials provided cannot mean affording them "prompt admission into Workhouses," which was the point to have been demonstrated. We now pass over a long period, from Elizabeth to George the first; and must presume that nothing, during all those years, was done (so far as Mr. H. knows) to meliorate the condition of the poor by new means of creating labour or sustenance. Mr. Malthus, in his valuable book on Population, has justly re-

marked, that the 43rd Eliz. " is as arrogant and absurd as if it had enacted, that two ears of wheat should in future grow where only one had grown before;" and he is of opinion, that the non-execution of that law is the cause of its continuance on the Statute book for two hundred years. " Its due execution as a permanent law, is a physical impossibility;" since it assumes the principle, of an indefinite population subsisting on a limited produce.

P. 30. " In course of time," Mr. Hale observes, " as the population of the metropolis greatly increased, it was found difficult to put the law into execution, as it regarded setting *able-bodied people in health* to work; for the number of these *able* paupers so continued to multiply, that at last the legislature had recourse for this express purpose, to the scheme of parish Workhouses, which were every where authorized as a general measure by the act of the 9th of George I. cap. 7." Now, Sir, mark what is deemed to be the construction, application, and effect, of this *new* statute; which Mr. H. says, " is the general law of the country to this day, but in some small degree its operations have been softened," by the 30th Geo. III. cap. 49, and the 36th Geo. III. cap. 23.—" *This law COMMANDS a prompt admission to be given to every character without exception, who has not the lawful means of procuring his or her daily support. The parish officers are BOUND to give them this prompt admission to the Workhouse; for the act EXPRESSLY states that it* (this prompt admission) *shall extend to all such poor, in their respective parishes, as shall DESIRE to receive relief or collection from the same parish. The law with respect to the PROMPT ADMISSION of the most despicable characters into the Workhouse, is so clear and explicit, that it NEVER has been doubted by any who have perused the Statutes, or had the least experience in parochial affairs.*" p. 31.

I request you, Sir, to pay very special attention to these last serious, positive, reiterated asseverations; for, on the truth or falsehood of them depends the *legal* reputation of Mr. Hale, and the final result of our present controversy! Here we are completely at variance! I declare as distinctly, on the contrary, that the 9th of Geo. I. cap. 7. contains NO SUCH " commands" as

this gentleman pretends; that it does NOT "bind," constrain, or enjoin, the parish officers to do as he says; that it NEVER ONCE "expressly states" what he tells us it does; that NONE of those poor who merely "desire to receive relief" are thereby entitled to claim a provision in the Workhouses; and that the authority for "prompt admission" is neither "clear" nor "explicit," but MUST BE "doubted by any who have perused this Statute" in a careful manner. Sir, instead of fairly quoting the entire clauses of this important act of parliament, Mr. Hale has shamefully garbled and distorted them; he has not only misunderstood, and "put a wrong construction upon this law," but has grossly mistaken its professed design—which *(the act itself states)* was to prevent persons "obtaining relief upon false or frivilous pretences" made "to justices of peace," and thereby "greatly contributing to the increase of the parish rates." His method of carrying that economical purpose into effect, is by admitting all those into the Workhouse who "desire to receive collection," whether they have or "have not obtained any legal settlement:" for "this," says he, p. 34, "is of no consequence; they are ALL the casual poor of the parish in which they sleep, *and the law OBLIGES the parish officer to take them immediately into the Workhouse, if they apply.*" Singular doctrine! Thus widely does the author differ from me in regard to the above statute; and yet this is the only one he adduces, in support of his leading sentiment!!!

To settle the disputed points, I must refer you to some legal authorities, as well as to the statute itself; and will likewise elucidate the matter by a few cases on record. But I shall endeavour to be brief.

The first thing required, will be to shew who are "poor" in the legal sense of this term; and then who are entitled to take advantage of the poor laws for their own relief.

"A pauper, or *poor* person, means one who is a burden and charge upon a parish. The poor, our law takes notice of are—

"1st, Poor by impotency and defect; as the aged or decrepid, fatherless or motherless, poor under sickness, and persons who are ideots, lunatics, lame, blind, &c. *These the overseers of the poor are to provide for.*

"2dly, Poor by casualty; such as housekeepers, decayed or ruined by unavoidable misfortunes, and poor persons overcharged with children. *These, having ability, are to be set to work; but if not able, they are to be relieved with money.*

"3dly, Poor by prodigality and debauchery, also called thriftless poor; as idle slothful persons, pilferers, vagabonds, STRUMPETS, &c. who are to be sent to the house of correction, and be put to hard labour to maintain themselves; or work is to be provided for them, that they do not perish for want; *and if they become impotent by sickness, or if their work will not maintain them, there must be an allowance by the overseers of the poor for their support.*" Dalt. c. 73. §. 35. and Tomlin's edit. of Jacob's Dict. title POOR.

I consider the above to be a correct and generally received account of the legal acceptation of the term "*poor*" as well as a fair summary view of the obligations of overseers and churchwardens with respect to their relief, &c. You will therefore perceive Sir, that, according to this authority, "strumpets" have no claim to be "promptly admitted" into houses of industry, but should be first sent to the "house of correction;" and, only in the event of these women becoming "impotent" or disabled, can they lawfully be made burthensome to their parishes. Indeed, the indigent females of whom I am speaking, and who are supposed to be in health, can hardly be deemed fit objects for an imperative order, such as Mr. Hale presumes a magistrate would necessarily make; because they could not, without evident perjury, take a solemn oath of their being "*impotent and unable to work.*"—See the form in. Burn's Justice, title "POOR," p. 996 of the 20th edition, vol. III.

Mr. H. says, p. 36. "the form of the oath which Mr. Blair has quoted has nothing to do with the subject: it *merely* goes to prove, that if any people, who are very poor, impotent and not able to work, do apply for pecuniary relief, and are refused by the overseers, that the magistrates, upon application, if they think proper, are empowered by law to compel the parish officers, to comply with their request! But who disputed this? I never so much as alluded to it in any part of my pamphlet."

As this sagacious gentleman is not able to discern how the

form of that affidavit bore upon the subject, I will instruct him. Before any magistrate "*reprimands*" the officers and makes an order for relief, he is required by law to administer the usual oath, stating the pauper's disability to work, &c. but, as this must be always deemed false, with respect to a woman *in health*, (the only sort of poor we are disputing about,) I should be glad to know under what act of parliament any justice of the peace could legally enforce an order upon the overseers for such a person's maintenance by the parish?—Allow me, however, to add further proofs and observations in favour of my present statement, lest Mr. H. should again say, "This is ALL he has to offer in support of his strange sentiments." I hope it will be seen, in the issue, that my "*strange sentiments*" are not destitute of respectable "*support*."

The question is, Whether a poor deserted female, in health, and able to work if she had employment, has a legal claim to be maintained and lodged IN THE PARISH WORKHOUSE; and whether a justice of the peace has authority to insist on the admission of such a person if the parochial officers are unwilling, but offer to relieve her out of doors? A confident answer is thus given by our author, p. 32—35.

"Many of these women make it their study to find out those churchwardens or overseers who are young in office, with the hopes of taking advantage of their want of experience; and sometimes, in consequence of their abusive language, they have been refused for a time *to go into the workhouse*. Under these circumstances, they will go to a magistrate, *procure a written or printed order, and laugh the churchwarden to scorn!* Parish-officers are often put to great trouble by the frequent applications of the most profligate women for pecuniary relief: knowing, therefore, that these abandoned creatures would only apply the money given to the worst of purposes, they very properly deny them; *but then they are obliged to offer to take them into the workhouse*. Here, at the public office, the magistrates have repeatedly stated to the churchwardens *that they must under no pretence whatever refuse them the workhouse; that, however desperate their character, the law obliges them to take them in*, and never to suffer any individuals, however de-

praved" [of course all the thieves, pickpockets, and vicious persons in London have a good claim on their parishes, because they are not] "to be under the temptation of doing that which is morally wrong to procure their daily support. Many of these prostitutes have not obtained any legal settlement in England; but this is of no consequence: *they are* ALL *the casual poor of the parish in which they sleep, and the law obliges the parish officer to take them immediately into the workhouse*, if they apply."

"Mr. Moser, one of the magistrates at the police office in Worship-street," says Mr. Hale, "*declared that I had accurately stated the law with respect to the prompt admission of those unfortunate women to the workhouse.* I took the liberty of waiting upon that gentleman, and shewed him that part of Mr. Blair's reply, in which he so positively denied the fact. I now beg leave to inform the public, *that I have the authority of Mr. Moser*," &c. &c.

A commendatory review of Mr. Hale's former "Address" appeared in the European Magazine for January 1809, pp. 47, 48; which we are told, in the present "Reply," was written by Mr. Moser, "a magistrate whose *long experience in his official situation* has so matured his judgment, that few will be disposed to controvert his opinion,"—and thus Mr. M. is supposed to have "*put the matter beyond dispute*," p. 35. The Author compliments the Reviewer, by saying "Few will be disposed to controvert his opinion;" and the Critic again compliments the Author, by declaring he has (in the first "Address") proved his assertions "beyond the power of contradiction," p. 36. But, as if this double security had been insufficient to protect Mr. Hale from censure, the bold Reviewer of his "Reply," in the European Magazine for last month, pp. 43, 44, comes forward in the same strain of panegyric: he not only (as before) "approves of *the whole* of Mr. Hale's pamphlet," and thinks "his parochial observations are extremely judicious;" but "agrees with the Author in the whole and *every part of it*," declares "his deductions are *correctly* the result both of *law and experience*," praises this "*well-written* pamphlet," for the "pointed *stability* of its argument," and says Mr. Hale has

"*well* executed a most difficult task." It is, therefore, scarcely possible to mistake who is the Reviewer of this Reply.

All this looks truly formidable and terrific! It is at least very decided and peremptory! Shall I not, therefore, be expected by these gentlemen, so confident, so learned in the law, and of such "long experience," to hide my diminished head, overwhelmed with confusion? They say, besides, that my "*total ignorance* of the first rudiments of parish business," and my being "always exonerated from procuring that knowledge which can *only* be acquired by practical observation," renders me "*of all others the most unfit to dispute the point*," p. 27. What then is to be done, Sir? May I not at least be permitted, in spite of this two-fold attack, and in defiance of my natural modesty, to state the legal grounds on which my "strange sentiments" are founded? The doughty combatants seem to answer, "Go not forth hastily to strive, lest thou know not what to do in the end thereof, when thy neighbour hath put thee to shame;" to which I rejoin, "Let not him that girdeth on his armour boast himself, as he that putteth it off." In a triumphant spirit, Mr. H. asks, "Now, against this weight of evidence what has Mr. Blair to offer in support of his opinion?" Then, after mutilating my statements and giving a false representation of them, he prematurely adds—"THIS IS ALL HE HAS TO OFFER IN SUPPORT OF HIS STRANGE SENTIMENTS; EXCEPT THE DECEITFUL ASSERTIONS OF A FEW PROSTITUTES, OR THE BLUNDER OF A CHURCHWARDEN YOUNG IN OFFICE, AND EQUALLY IGNORANT WITH MR. BLAIR!" pp. 36, 37.

You will presently see that this is not quite "ALL." I have to offer, and that my proofs are derived from sources which the public will neither call "*deceitful*" nor "*ignorant*."

To ensure your candid attention, allow me first to quote a short extract from Mr. Colquhoun's private letter to me, of February 6, 1809, after perusing my answer to Mr. Hale.* In

* It can hardly be necessary to mention, that Mr. Colquhoun is an acting magistrate for the counties of Middlesex, Surry, Kent, and Essex; for the city and liberty of Westminster; and for the liberty of the Tower of London; also that he is well-known by various practical treatises, especially on the Police of the Metropolis, on Indigence, and on the Duties of Constables.

doing this, it is proper to observe that I have obtained the full consent of that judicious and celebrated writer to publish his remarks. Mr. Colquhoun says to me, "YOU HAVE MOST ACCURATELY DEFINED THE POWERS AND FUNCTIONS OF MAGISTRATES IN ALL CASES APPLICABLE TO PROSTITUTES, AND HAVE MOST TRULY OBSERVED (CONTRARY TO MR. HALE'S OPINION) THAT MUCH YET REMAINS TO BE DONE BY THE LEGISLATURE IN RESPECT TO THIS UNFORTUNATE CLASS OF WOMEN. There certainly cannot be a greater desideratum than that of reforming unfortunate prostitutes, and rendering the labour of their hands useful to society. I have always thought that any design which was to accomplish this object was too gigantic for the efforts of private benevolence. It would afford me great pleasure to second the benevolent endeavours of the Penitentiary, in the ardent expectation that, at some period not very remote, the Legislature will attend to the business; and afford not only pecuniary aid, but certain powers of coercion, which will be necessary in order to give effect to the general system. Much might be done by the legislature in the suppression of brothels, by giving the magistrates a summary jurisdiction in such cases. In many modern statutes greater powers have been conceded. Our laws should be modernized, and adapted to the present state of society. YOU HAVE FURNISHED VARIOUS EXCELLENT HINTS FOR THE LEGISLATURE, APPLICABLE TO FEMALE PROSTITUTION."

I omit the other parts of Mr. Colquhoun's letter, in which he condescends to express too flattering an opinion of my late answer to Mr. Hale, and the impracticability of remedying the evil of prostitution, "through the medium of workhouses." The views of this magistrate, on the last named subject, are indeed already before the public in the Reports of the Society for bettering the condition of the poor, in his admirable work on the Police of the Metropolis, and his valuable Treatise on Indigence. But, having mentioned the utmost number of paupers who can be crowded together in the workhouses of London, Mr. Colquhoun, in his letter, emphatically asks me, "HOW SHALL WE THERE FIND AN ASYLUM FOR PROSTITUTES?" I leave the answer to be given by Mr. Hale and Mr. Moser.

If the strength of our cause rested on bare authority and great names, we might be contented to take our stand by the side of Mr. Colquhoun; but I should ill deserve his sanction and good opinion were I to drop the question here, without attempting to substantiate my views by other "legal evidence." In doing so, however, I shall be very concise, and only adduce a few cases to illustrate the chief points at issue.

The attempt of a Surgeon to instruct a *Weaver* in parish business may not seem extravagantly incongruous or arrogant; but, for a Surgeon to make the smallest pretence of giving legal information to *a Police Magistrate* of "long experience in his official situation," will perhaps be thought intolerably presumptuous and insulting! Nevertheless, when such a Magistrate deigns to espouse the crude observations and criticisms of a Manufacturer, and so far degrades himself as to defend that person's errors, thereby making them his own; he can have no just ground of complaint, if he should happen to be incidentally chastised, and exposed as not wiser than his friend! Mr. Moser "agrees with Mr. Hale in the whole and every part of his pamphlet:" I must, therefore, suppose that he is willing to participate in the consequences of this gentleman's mistakes. But since they "agree" in courting "the public approbation," at the expence of truth, justice, and charity, still boasting that they had "accurately stated the law with respect to the prompt admission of unfortunate women into work-houses," I will tell them whence I have received an opposite notion of "the law."

My "*strange sentiments*" are wholly imbibed from the writings of Bott, Burn, Const, Nolan, Williams, Eden, Ruggles, and other excellent authors on the Poor-laws; who have collected, arranged, or elucidated, by numerous cases and adjudications, upwards of three-score statutes on this intricate subject, all of which I have likewise sedulously examined.—A knowledge of the parochial laws, these two critics tell us, "can only be acquired by practical observation:" but, as the practice of some individuals may be like that of the village farrier, no better than a daily routine of blunders, I recommend these "experienced" individuals to study the "practical

observations" of our learned judges in the superior courts, as detailed or cited by the above named authors. They will then find, that a legal order for the "prompt admission" and maintenance of any female prostitute, or seduced woman, *(being in full health)* must be justified by the following circumstances, *viz.*

1. That the party ordered to be relieved is *bona fide* chargeable to the parish, either from having a legal settlement there, or from some accidental and sudden calamity bringing her within the description of a casual claimant.*

2. That the pauper in whose behalf such order is made, comes within the jurisdiction of the justice who makes it.

3. That, after having taken the usual oath, she is adjudged by the magistrate to be poor, impotent, and unable to work, conformably to the statutes.

4. That relief by the weekly payment of a certain sum, or provision for a time specified, would not be deemed adequate to her exigency; and that temporary aid had been refused by the overseers, after a regular application.

5. That an order for her admission into the workhouse shall neither be contrary to any special act of parliament by which the parish may be regulated; nor incompatible with the provisions of 22 *Geo.* III. *c.* 83. in incorporated districts; nor be impossible, for want of room, or otherwise.

Gentlemen who boast of their "practical observation and long experience" should know, that the indigent people for whose protection and maintenance workhouses have been erected by law, are always supposed by the Legislature to be either weak, unhealthy, or disabled in body; and not "able bodied persons in health;" therefore, by § 29 of the above named statute, it is enacted, "That no person shall be sent to the poor-house or houses, *except such as become indigent by old age, sickness, or infirmity, and are unable to acquire a maintenance by their labour,*" &c. But, even in these cases it is pro-

* See Nolan's Treatise, vol. II. chap. xxxiv. § 4. "*Of Casual Poor.*" The cases referred to, will give a different idea of the subject from that entertained by Mr. Hale, and his coadjutor at the Worship-street Police-office.

vided, "That the governor shall dismiss from the poor-house or workhouse every person who shall, in the opinion of the guardian or guardians, *be thought improper to continue there.*"

And, as to those "who shall be able and willing to work, [such as penitent prostitutes and criminal offenders] BUT CANNOT GET EMPLOYMENT, it shall and may be lawful for the guardian of the poor, and he is hereby required, &c. to agree for the labour of such poor person at any work or employment suited to his or her strength or capacity, in any parish, township, or place, *near his or her residence* [not in the workhouse] and to maintain, or cause such person to be properly maintained, lodged, and provided for, until such employment shall be procured, and during the time of such work; and to receive the money to be earned by such work or labour, and apply it in such maintenance, as far as the same will go, and make up the deficiency, if any; and if the same shall happen to exceed the money expended in such maintenance, to account for the surplus," &c. &c. See 22 *Geo.* III. *c.* 83. § 32.

Mr. Hale and Mr. Moser would do well to observe the distinctions I have laid down (from Jacob's Law Dict. &c.) between the several classes of *Poor*. In reading the oldest writers on this subject, they will find "the idle poor, the thief, the rogue, the *strumpet*, the sturdy beggar, the filcher, the cozener, the cut-purse, and such like," to be classed together, and contra-distinguished from "the impotent who are not able to labour." (See "Greevous Grones for the Poore." Lond. 1622. in Brit. Mus.) If justices make orders for the maintenance of persons who are not impotent, *but able to work*, those orders are against the law: (*Dalt.* 166. and *Jacob's Dict.* edit. 1744, *art.* POOR.) It is discretionary in overseers to give money or victuals to the poor: (*Style*, 246. 1 *Keble*, 366.) If any demand relief who are not settled in a parish, they ought to be removed to their own parish, and there relieved: (*Dalt.* 73.) The necessary relief, provided by 43 *Eliz. c.* 2. for the lame, old, blind, and such other among them being poor, and *not able to work*; signifies the poor old, the poor blind, the poor impotent: and therefore, an order to pay three shillings weekly to

A. by the parish of Hyworth, so long as he shall continue *poor*, was quashed; because it ought, by this statute, to have appeared and been stated in the order, that he was *poor* and *impotent*: (1 *Stra.* 10. 1 *Keb.* 489. 2 *Keb.* 744, 643. *Pasch.* 4 *Geo.* *Rex* v. *Tipper.* 1 *Bott, pl.* 425.) In the case of the King against Gulley, an order of sessions for the maintenance of a woman was quashed; because it was not set forth in the order that she was *unable to work*, without which the justices have no jurisdiction: (10 *Mod.* 156, *Foley*, 47. 1 *Bott, pl.* 424.) Two justices made an order for the overseers to pay two shillings per week to Elizabeth Reddish: it was objected, that it *was not said she is poor and impotent*; otherwise the statute gives them no such power. *Per Curiam.* The 43 *Eliz.* does not give them power, unless they are on the poor rate. Let them shew cause. (*Poor Settl.* 21. *pl.* 30. *The Queen* v. *the Inhabitants of Manchest.* *Viner's Abr.* xvi. 422, 423.) An order was made at the sessions that a man should allow 1*s.* 8*d.* per week for his daughter's subsistence: this order was however, quashed; because it did not appear from the same that she *was unable to work, or that she was sick, aged, or impotent*, which the statute requires. See the authorities cited by Viner, *tit.* Poor (C.) An order upon relations for relief, as of children by parents, shall be made at the quarter-sessions of the county where the party charged inhabits, otherwise it is void; and the order is not good, unless it appears therein that the party to be relieved *is not able to work*: (*Comm. Dig.* v. iv. *p.* 87, 88. *Addingt. Pen. Stat.* 1037.) An order was also quashed, because it was not alleged that the daughter of the defendant was poor and likely to be chargeable to the parish: (1 *Raym. Rep.* p. 699. *P. of St. Andrews* v. *J. M. de Breta.* 1 *Bott*, 369, *pl.* 420. *Add. Pen. Stat.* 1037.) And an order for a father to pay so much to his daughter was quashed, because not said *poor* and *impotent*; but only in a poor and destitute condition, wanting relief: (5 *Mod.* 197. *Stra.* 10. and *Addington, ubi supra.*) If overseers relieve the poor and burthen the parish, when there is no necessity for it, this is a punishable misdemeanor. (*Tawney's Case*, 1 *Bott.* 343. *pl.* 373. and *Vin. Abr.*) The justices of assize annulled an order of

sessions to provide an habitation for a person *not impotent* in Wolvercoat, Warwickshire; and, it being moved in the King's Bench to confirm the same, this order was adjudged void, as requiring to provide for a person *able*. (22 *Car.* II. *B. R.* and *Addington's Pen. Stat. No.* 4498, *Annotations.*)

The 22 *Geo.* III. *c.* 83. distinctly recognizes Mr. Hale's favourite Act, of 9 *Geo.* I. *c.* 7. as being defective "*from a want of proper descriptions of the poor who are to be the objects of relief,*" (§ 35), and from a want of "*the means of enforcing the order of justices for such relief:*" notwithstanding which, we are told by that ACUTE writer, in the most positive and imposing language, as if Mr. Moser and himself had just made the discovery, that "this law *commands* a prompt admission to be given to every character, *without exception*, who has not the lawful means of procuring his or her daily support; that the parish officers are *bound* to give them this prompt admission to the workhouse: for the Act EXPRESSLY STATES" [but Sir, there is not one word of the kind] "that it shall extend to all such poor as shall desire to receive relief or collection." This is a new and unheard of method of diminishing the parish rates, and easing them in the relief of the poor (for which purposes the 9 *Geo.* I. *c.* 7. was professedly enacted;) and it exhibits a very singular instance of discernment, that these two commentators should have recently found out "the proper descriptions of the poor" to be benefited by "prompt admission," when the Lawgivers themselves could never make such a discovery!! Our Legislature declares (22 *Geo.* III. *c.* 83. § 1.) that the operation of this very Act of the ninth of *Geo.* I. which Mr. H. and Mr. M. are so fond of, "had not the desired effect; but the poor in many places, instead of finding protection and relief, have been *much oppressed thereby:* for remedy of which grievances and inconveniences, and in order to make better and more effectual provision for the relief and employment of the poor, and to introduce *a prudent economy in the expenditure of the parish money,*" a part of the said statute was made "null and void."—"The abominable oppression of this execrable Law" (as it is called by one of our living Justices) "has been removed by another humane statute of the present

reign;" namely, the 36 Geo. III. c. 25. § 1, 2, 3. (*Pye's Summary of Just.* &c. p. 83.)

Mr. Hale, being so ill supported by the statutes and adjudged cases of our highest courts, has recourse to what he calls "a *more sure guide*," viz. "the universal practice of the magistrates in our police offices," p. 35.—This "more sure guide" seems to resolve itself into "the universal practice" of his coadjutor and friend, "JOSEPH MOSER, Esq. *to whom he is greatly indebted for* MUCH *of his legal information upon this subject*;" as he tells us, at p. 66 of his Address. It does not appear that, even now, Mr. Hale possesses "much legal information;" and it is pretty evident that he entertained more just and modest thoughts of his legal acquirements a short time ago: for, in his Letter to Mr. Whitbread, on the poor of Spitalfields, he said, "It is not my intention to go through the maze of complicated laws which have been enacted for the relief and government of the poor,—laws which have begotten a thousand explanatory statutes and comments, with decisions almost as contradictory as numerous, and from which have sprung all the multifarious duties of churchwardens and overseers. *An attempt of this kind would be far above my ability*, p. 2."—His legal information being chiefly derived from such a barren source as he has mentioned, I am willing to hope that only ONE magistrate at Worship-street police-office will be found, to sanction the crude and erroneous opinions which have there been "repeatedly stated to the churchwardens when summoned before the Justice, in consequence of the misrepresentations of infamous prostitutes:" namely, "that they must on no pretence whatever refuse them the workhouse," &c. that "the law obliges the parish-officers to take them immediately in;" and that, whether healthy or diseased, impotent or able, having a parish settlement or not, "is of no consequence."—"Upon this view of the subject," Mr. H. adds, p. 34. "the public cannot be at a loss to ascertain which of us is right;" and here I fully agree with him, as I also do in another sentiment, "that I ought to apologize to the reader for detaining him thus long in contending against opinions *which will only be noticed with the smile of contempt, by the well-informed.*" p. 38.

But, Sir, if we concede for one moment the whole point which these gentlemen contend for,—that destitute penitents might at all times, and under all circumstances, be received into the parish workhouses! What then? Does Mr. Hale verily believe that "care would be taken of them," and proper means "devised for their being restored as useful members of society?" He will not deny, that this actually is the proposition he maintains:* and yet, Sir, I can hardly think him quite in earnest, because he severely reprobates the "flagrant neglect" of the religious world, in suffering the "workhouses to be what they have represented them;" which would not be the case, he thinks, if they were to "do their duty," p. 63.

How will you reconcile these two ideas, of workhouses being *suitable* places of retreat for women "longing to escape from a life of infamy," and being so notoriously *bad* in their management that it is even said to be a "*shame*" to the "religious world?" How can these females be "taken care of" and made "useful members of society" in places which are thus shamefully conducted? Mr. H. in his former Address, p. 37. very justly remarked, "that the worth of *one* immortal soul is of infinitely more importance than the aggregate of all the trouble and expence that can *possibly* be laid out upon the institution" of the Penitentiary; and also said, p. 41. that "it would rejoice his heart to see them [the Penitents] all weeping at the foot of the cross:" but, he nevertheless most cheerfully consigns them over to the workhouse—where he admits "the moral system is dreadfully abused, every encouragement given to the worst of crimes, and the parish concerns are left to those who have no regard for religion." What is this, but wilfully giving up these poor women to inevitable destruction, without the almost miraculous interference of a gracious God? Is this detestable scheme of Mr. H. likely to "restore them as useful members of society?" Is this the "care" which he wishes to "be taken

* He "asserted, that there was no woman of this description, whose application would not immediately procure a prompt admission to the workhouse; *and care would be taken of her*, until some method was devised for her being *restored as a useful member of society*," p. 25. You will remark that this is said of women who "*long to escape from a life of infamy.*"

of women who long to escape from a life of infamy?" And is this the only refuge he has been so earnestly pleading for?

He may indeed answer, and you will judge how consistently, "I never gave any opinion upon the *propriety* of that system. It fell not within the design of my pamphlet to offer my sentiments upon *that* abstract question, nor did I once discuss the *policy* of the measure. I only stated, that there was that *provision* afforded them by the law of the land," p. 94. So then, Sir, it comes out at last, that this benevolent gentleman, who sets a high value on immortal souls, and would rejoice to see those females weeping before the cross, humanely strives to cut them off from all the ordinary means of salvation; and seeks to immure them in places, which a well informed magistrate, Mr. Colquhoun, has said, "are no where, alas, houses of reform, but generally are seminaries of vice, abodes of misery which defy all comparison in human wretchedness—" * which Mr. Rose, that enlightened legislator, has called "nurseries of the most pernicious offenders against the laws,†—which the Rev. Mr. Gisborne tells us are "scenes of misery to the aged, and of vice to the young,"‡—which Mr. Justice Ruggles describes very truly as "parish bugbears to frighten distress from applying for relief,"§—which another eminent magistrate, Justice Burn, declares are often conducted "by some obnoxious person of savage disposition,"‖—and which the learned Judge Ashhurst has pronounced were designed by the poor laws to be "a disgrace to those who go into them."¶ These dreadful abodes are the only receptacles provided by Mr. Hale, in the plenitude of his kindness and sympathy, for the accommodation of penitents, and as substitutes for Penitentiary houses!**

* Treatise on Indigence. † Observations on the Poor Laws.
‡ The Duties of Men. § History of the Poor.
‖ Justice of the Peace, Art. Poor. ¶ Ibid.

** Another intelligent *magistrate*, and late writer on the Poor-laws, says, "Workhouses are sometimes held out *in terrorem*, to prevent the application for relief; and, to promote this end further, *are made as disagreeable and disgusting places of residence as ingenuity can contrive*;" p. 176. of "A short Inquiry into the Policy, Humanity, and past Effects of the Poor Laws." 8vo. London. 1807.—But, of all the "disagreeable and disgusting places of residence" that I

"The imagination of a christian" (to retort his own words) "would be lost in wild conjecture before it could possibly guess the design" of such a proposal! "O, my soul! (he exclaims,) come not thou into their secret! Unto the assembly of such men mine honour, be not thou united! I could pursue this part of the subject (Mr. H. says) much further, but shall refrain; because I really believe every *impartial* reader will think it waste of time." Reply, pp. 113, 114.

From what I have submitted to your attention, it must be perfectly obvious that the administration of the poor-laws will vary, according to the construction which is put upon them by different magistrates and parish-officers. I think it is clear, that the practice at Worship-street cannot be always the same as at the Police-office in Queen-square, Westminster; and that Mr. Hale, when a churchwarden or overseer, would on some important occasions act totally otherwise than I should, were I not excused by law from serving such an office. This diversity of conduct must necessarily happen, in men who take opposite guides to instruct them, or annex a different meaning to the same statutes. But, other causes may also contribute to produce this variety in the management of parish business; and these causes have been judiciously as well as forcibly stated by Mr. Colquhoun, whose knowledge of his subject will not be questioned by the public.

Mr C. says, p. 87. Treatise on Indigence, "In the general distribution of the funds assigned for the relief of the indigent, there is *seldom much discrimination*. There is no time for mi-

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ever witnessed, in these receptacles of disease and misery, the apartment allotted for the confinement of prostitutes far exceeds the rest in beastly filthiness and horrid odours! I here speak only of what I have seen in some parishes of the metropolis, where most certainly it never entered the minds of the conductors and overseers to convert workhouses into reformatories! On the contrary, they are so managed as to keep out those indigent females who are absent, and to drive away those who have taken shelter there from dire necessity!!!

The same author hints, "that the magistrates, whose duty it is to see that none are relieved from the public purse, but those who are either *incapable of labour*, or, if capable, unable by their utmost efforts to support themselves and their families, have been miserably deficient and inattentive in the execution of this duty." p. 9.

nute inquiry; the object is, *to get rid* of the unfortunate applicant in the easiest manner. The management, and mode of giving relief, *often vary as much as the parishes are different from one another.* The general economy is often irregular, ill digested, and not seldom the effect of momentary impulse: the result is, that parish officers, thus guided by no fixed principle, *are sometimes right and often wrong.* Established regulations are frequently changed, according to the caprice or conceited opinion of a new officer, who adopts a theory of his own, *equally erroneous with that of his predecessor.* Some are anxious to acquire credit by diminishing the rates, which reduces virtuous indigence often to unnecessary distress; while others, careless and improvident of money not their own, give encouragement to vice and idleness by a profuse and indiscriminate distribution. Other instances occur, where paupers, requiring relief, are sent from one repulsive officer to another; until, at length, wearied out by fruitless attendance, and unskilled in the art of impudent importunity which characterizes vicious indigence, or disgusted by the contumely and abuse with which they are loaded, they retire to their miserable abodes, if they have any, *and pine and die by inches, for want of sufficient sustenance.*" *

The latest magistrate who has written on the poor-laws,† and a justice of the peace for three inland counties, admits it as "undeniable, that the present overseers are too much engaged in their own necessary avocations, to afford time—too much swayed by their own opposite interests to find inclination, diligently—too ignorant, and too short a time in office, to be able

* A very similar account of the mal-administration of the Poor Laws is given at p. 266. of SABATIER's *Treatise on Poverty.* 8vo. 1797. Lond.

If leisure had permitted me to make further researches, I doubt not that numerous other authorities might have been cited, in illustration of our subject. Mr. Hale published his "Reply" last *July*, after more than a half-a-year's deliberation; but our Answers must go through the press in one month, being speedily called for by the necessity of applying an immediate antidote to his injurious aspersions.

† "A short Inquiry into the Policy, Humanity, and past Effects of the Poor Laws." 8vo. London. 1807. p. 209.

effectually, to exert themselves in finding out employment for the poor."

The act of the 43d *Elizabeth* does nothing to compel overseers to provide work for the indigent, but industrious, parishioner. The pauper that is willing as well as able to obtain a living by labour, has no power of indicting the overseers who neglect to find raw materials for work; and through no other medium can these parochial directors be compelled to execute the law.* Under certain circumstances, much power is given by the 9 Geo. I. c. 7. to consign paupers to the authority and abusive treatment of a contractor in a workhouse:† but the grand aim of most overseers is to lessen their own trouble by temporary contributions carelessly bestowed, or to repel the eager solicitations of distressed objects; and not to render that effectual help, which religion, sound policy, and humane laws, so imperiously demand. If seduced women or prostitutes are sometimes admitted to parish workhouses in a state of disease, they are speedily discharged after their cure; and, alas! little or no pains are ever taken to cure the still worse disorders of their minds, or to restore them again as useful members to the community! This, Sir, is the way in which our poor laws are too frequently administered.

There is another point in Mr. Hale's pamphlet, which must not be wholly passed over without notice. In the European Magazine, for January, p. 48, Mr. Moser (when reviewing Mr. Hale's first Address) says, "It is impossible in our cursory remarks to follow him through the variety of important matters which he has brought to bear upon this subject: we must, therefore, recommend the perusal of this tract to our readers. *His parochial observations are extremely judicious, and the power of the magistrates to suppress brothels and to punish prostitutes accurately stated.*" You will observe, that this is written by

* See Mr. Colquhoun's Treatise on Indigence, p. 188.

† Some of those contractors are the "persons of savage disposition," mentioned by Justice Burn. There were fifty-seven parishes in London farmed and maintained by *contract*, in 1803; and thirty-six parishes governed by *special* acts of parliament. See Parl. Returns, p. 728, printed by the House of Commons in 1804.

"the magistrate whose long experience in his official situation has so matured his judgment, that few will be disposed to controvert his opinion," Mr. Hale's Reply, p. 35. "In fact, those gentlemen (the magistrates) have been frequently blamed," Mr. Moser adds, "for suffering evils to exist which the inhabitants only can give them power to suppress: we are, therefore, *glad to see these circumstances set in so clear a light;* and, as we approve of the *whole of his pamphlet*, we hope that the observations it contains will become the subject of serious consideration to the public in general, and particularly to those who, from their situation in life, from *official* experience and local influence, are still more concerned in their operation."

Now, Sir, what are those luminous, "*clear*," and "*extremely judicious observations*," respecting "*the power of magistrates to suppress brothels and to punish prostitutes*?" Mr. Hale takes sufficient pains, in his late pamphlet, to avail himself of the "authority" and commendation, given with so much freedom by Mr. Moser; and it is therefore of some importance to examine the matter with attention, lest the reader should be grossly deceived by this plausible and imposing statement.*

Mr. Hale's "*extremely judicious*" opinion is as follows:

He says, p. 66, "that the awful crime of prostitution is not only a breach of the moral law, but also a *civil offence* against the community; that, therefore, it ought to be met with a *legal punishment*, which is the ONLY method to check its progress; that contrary to the laws of God and man, the Female Penitentiary was established for the sole purpose of exclusively benefiting women of the town, not only without the least *punishment for their enormous crimes*, but with the actual promise of rewards." He observes again, pp. 68—72, "Both Mr. Hodson and Mr. Blair have contended at some length, *that our laws have annexed no punishment to the crime of prostitution*; and, as though they were determined to support the Penitentiary at every risk against public morals, they have laboured

* In a publication, upon the means of preventing female prostitution and indigence, which I am preparing for the press, this much vaunted "power of magistrates to punish prostitutes" will be considered more at large, and elucidated by facts.

hard to persuade our youth that by our laws *fornication and prostitution are not punishable at all*; and the Reviewers in the Evangelical Magazine have also asserted the same. Neither the public, who view the increase of this *crime* as a national calamity, nor those to whom the execution of the laws are entrusted, can feel themselves much obliged to those who have propagated such dangerous errors." He then states what he conceives to be the law on this subject; and, at p. 136, adds "Mr. Blair, at the end of his Answer, has proposed a plan, which he thinks the best calculated to lessen the sum of prostitution, or, to use his own words, as the most *likely to restrain it within moderate bounds!* This gentleman's whole pamphlet is filled with *contradictions!* Forgetting that he had taken considerable pains to persuade the public, *that our laws could not fairly be brought to apply to notorious prostitutes, he recommends that all the present laws against open lewdness and disorderly conduct might be rigidly enforced!! and insists upon it that the notorious seducer, whether male or female, should always be punished and openly exposed as an object of public abhorrence!!!* The whole of this plan consists of fourteen Rules, which Mr. Blair tells us *should be sanctioned and upheld by the Legislature*: but they are so clogged with difficulties, that it would be impossible to put the whole in execution."

With respect to the plan which I had suggested, to keep down this national evil within moderate bounds, I shall at present only remark that Mr. Colquhoun, with the Editors of the British Critic, and other Reviewers, have condescended to give a different judgment from Mr. Hale: but, with regard to the inadequacy of our laws to punish offenders of this kind, I believe the defect has been pretty generally acknowledged by magistrates themselves; and therefore, he can have no very great cause to say, "The advocates of the Penitentiary ought to be ashamed of their conduct, in attempting to justify the necessity of that asylum under the too common though mistaken plea, that our statutes are inadequate." p. 138.

As Mr. Hale egregiously and unaccountably mistakes my real sentiments, he might have well spared me the character of writing with "*peculiar rashness*" and the embellishment of three

marks of admiration to my words. For, NO WHERE have I denied that "OPEN AND NOTORIOUS LEWDNESS" is punishable; but, on the other hand, I even quoted from Judge Blackstone's Commentaries, book iv. chap. 4. a page and half, to shew quite the contrary! This will be seen, Sir, if you turn to pp. 51, 52, and 53, of my Answer; and indeed Mr. H. himself, in his learned Reply, (perhaps with my help) has quoted eight lines from the *same* chapter of Blackstone's work, in support of nearly the *same* opinion which I had given! Such a very ingenuous, and honest mode of disputing against me, deserves at least twice as many notes of admiration as he has annexed to what he calls our "DANGEROUS ERROR." This is the gentleman too, who lamentably complains that "*unfair methods of misrepresentation*" have been taken by ALL his oppouents, in answering him! p. 6.

The real difference between his notion and mine seems to be this; that he puts a construction upon the statutes against "idle and disorderly persons," especially the 17 *Geo.* II. which in my Answer I endeavoured to shew was totally groundless and unwarrantable.* I might have there adduced the respectable authority of Mr. Colquhoun, who had given a similar interpretation of this important statute, in his admirable treatise on Indigence, chap. ii. wherein he remarks that the vagrant laws are "*extremely imperfect*," p. 68, and regrets "how much a revision is necessary; more especially, as the present system has not only failed in producing the effect intended, but as idleness and vagrancy place such a multitude of women and children in the ranks of indigence, and render them a heavy burden on the industrious part of the community." p. 73. Mr. Colquhoun again says, "The punishment under the present vagrant act operates rather as an *obstruction* than as a *remedy* to the object in the view of the Legislature," p. 76. Such clear and decided language is quite satisfactory.

But Mr. Hale, and his grave apologist, Mr. Moser, think very much otherwise; for, say they—"The Legislature, possessing more discernment respecting the future operation of laws than these defenders of the Female Penitentiary, have so constructed

* See Prostitutes reclaimed and Penitents protected, pp. 71—74.

the statute, that prostitutes, walking up and down the streets, may correctly be deemed idle and disorderly persons, may, for this offence, be taken before the magistrate, and at his discretion be committed to solitary confinement, either for a month, or shorter period, or to the sessions. 17 *Geo.* II. c. 5. Thus the very object is accomplished, and these women secured, without the possibility of evading THE EXPRESS LETTER OF THE ACT." Reply, p. 71.—Sir, the "express letter of the act," as here construed by Mr. Hale, strongly reminds me of this gentleman's commentary on the 9 *Geo.* I. c. 7. which he told his readers "expressly states" and "commands" what nobody else can find there; except his very discerning friend, the Reviewer, who "agrees" with him, that "the law, with respect to the prompt admission into the workhouse, &c. *is so clear and explicit, that it has never been doubted by any who have perused the statutes, or had the least experience in parochial affairs,*" p. 31. *ibid.* But, we may yet again be informed, if Mr. H. ventures to publish again, "Lest any who have not the acts to refer to, should suppose that I am putting a wrong construction upon the law, I will further confirm it by stating its daily application in our courts of justice"—that is, at the police-office in Worship-street!!! p. 32.

Instead of such "illusory phantoms" and "practical observations," I will take the liberty of referring these two "LONG EXPERIENCED" commentators to "A MORE SURE GUIDE," for the right understanding of our penal statutes, relative to "the power of magistrates to suppress brothels and punish prostitutes;" *viz.* An Abridgement of Penal Statutes, which exhibits at one view the offences, and the punishments or penalties in consequence of those offences, &c. by WILLIAM ADDINGTON, Esq. of the Public Office in Bow-street—also, chap. xxxii. §xi. p. 178, of NOLAN'S Treatise on the Poor Laws—and the authorities mentioned in a note to p. 134 of CALDECOTT'S Reports of cases relative to the duty and office of a Justice of the Peace, Rex *v.* Inhabitants of Weatmeon. If Mr. Hale and Mr. Moser should continue to think, as they now do, that "a very few gentlemen of piety and respectability in each parish, who are determined to attend to its parochial concerns, are so supported by the laws of the land, that they are *perfectly compe-*

tent to suppress brothels and clear the streets of *every* prostitute," p. 135, and that "the magistrates would most cheerfully support them in this undertaking," p. 16; then, I advise these shrewd expounders of the law to co-operate with those respectable and zealous parishioners in different parts of the metropolis, who, for a long time past, *have in vain been applying themselves to this legal remedy!* *

Besides these glaring and prominent errors in Mr. Hale's Reply, I find numerous other fanciful and distorted views of the Penitentiary, and of the principles held by its supporters. But the facts, and arguments, on both sides, are now before the world; and I doubt not, when time and correct information shall have dispelled the mist of prejudice, which has been lately thrown over the subject, this noble Institution (like others of the same kind) will be deemed highly worthy of the patronage both of the wise and good, not only of the present but of future generations. Upon the whole, however, it does not appear that Mr. Hale has realized his fond expectation, p. 4, "*of conducting himself with that propriety which will raise him high in the scale of public opinion.*"

I remain, Dear Sir,

Great Russel-Street, Bloomsbury,
August 18, 1809.

Your sincere Friend,

W. BLAIR.

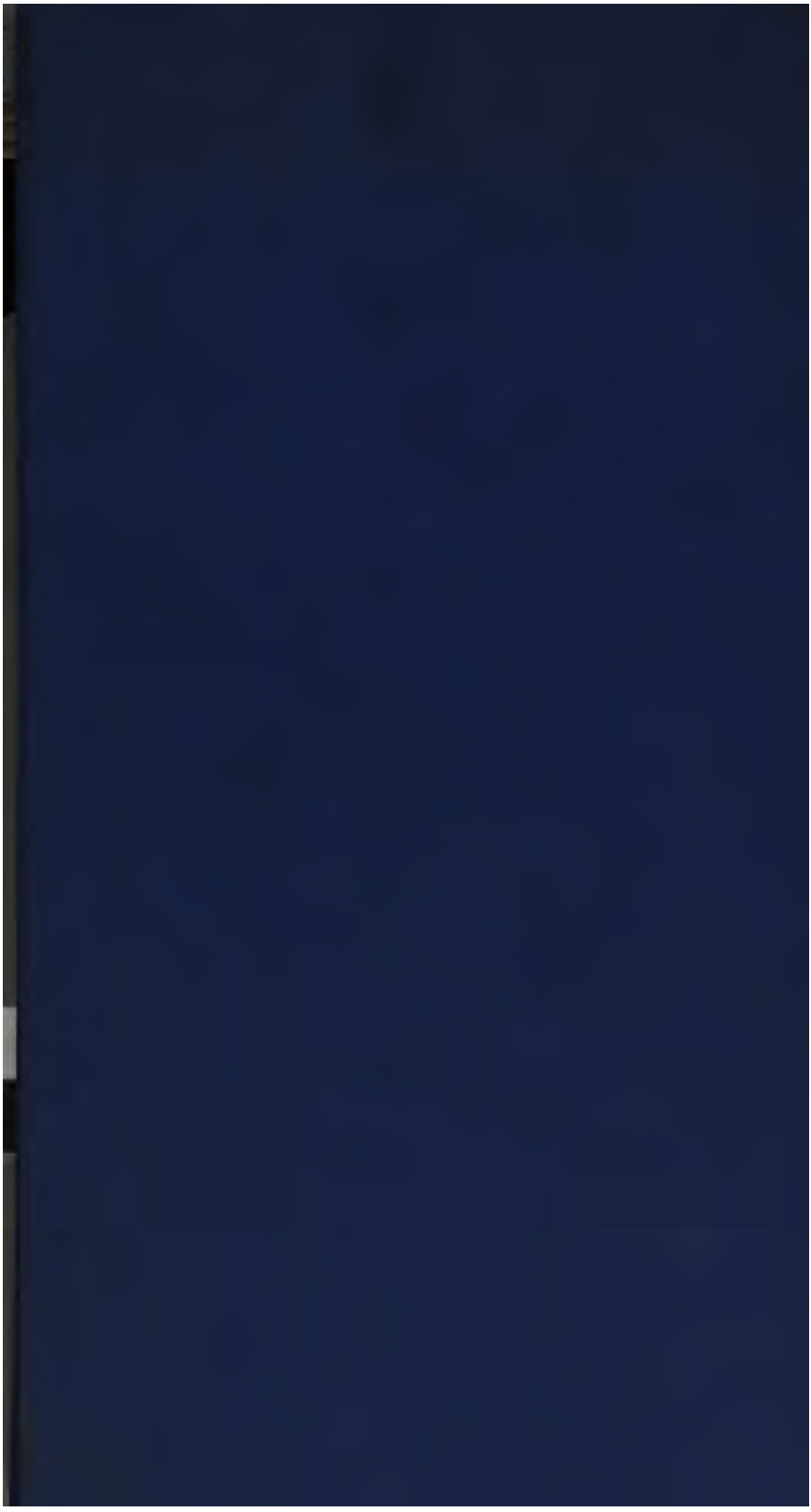
To Mr. G. Hodson.

* See "An Appeal to the Virtue and good Sense of the Inhabitants of St. Martin's in the Fields, and other Parishes, &c. on the Subject of Prostitutes walking the Streets;" just published by Hatchard, price 6d.

THE END.

ADDITIONAL ERRATA.

Page 29, line 4 from bottom, *for* or *read* nor.
61, — 8 from ditto, *for* to *read* do.
86, — 22 and 23 *dele from* it *to* then *inclusive.*

T. RUTT, Printer, Shacklewell.

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